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THE MONTHLY ANALYSIS OF STATE GOVERNMENT AND POLITICS

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The changing times inside the L.A. Times

The Los Angeles Times is 'in its adolescence, editorially,' says metro editor Mark Murphy

By MICHELE WILLENS

as an opportunity to touch on several nonstate issues, such as foreign affairs and defense, that he feels constrained to discuss in Sacramento.

He was interrupted several times by applause in the picturesque, century-old hall, dominated by stained-glass windows, polished wood, marble, coats of arms and a circular balcony.

Some students hung a large sign over the balcony asking "How's Linda?" referring to Brown's girl friend, singer Linda Ronstadt.

After a long pause by Brown and laughing by the students, the governor replied: "She's in Australia working. Beyond that I don't comment."

The question of compulsory service for young men was raised when Brown was asked whether he favored

said Tuesday that Israeli Prime Minister Menachem Begin must arrive here Thursday for urgent consultations in a last-chance attempt to keep alive Camp David's fading promise of a Mideast peace agreement.

Carter spoke at a news conference only hours after the Israeli cabinet in a stunning setback to U.S. diplomacy,

The UFW has used national boycotts, particularly of lettuce and grapes, as a bargaining lever in the past. Chavez threatened to mount a lettuce boycott shortly after the UFW went on strike in January but so far no serious attempt has been made to carry out the threat.

Chavez announced the lanana boycott before a crowd of about 1,000 lettuce workers at a late-afternoon rally. His words were met with cheers and

government veterinarians and cattlemen have used millions of gallons of toxaphene solutions on their cattle in the belief the pesticide was a relatively safe way to control the spread of mange.

That belief now is being challenged. And there are indications the spray techniques used in California have allowed large volumes of the suspected carcinogen to be dumped into the soil and water courses on the

Despite fears voiced earlier by some U.S. and Israeli officials that Sadat's absence from these talks might be a serious obstacle, the Israeli cabinet said in a statement that the decision was based on its refusal to consider the latest Egyptian negotiating position, which the statement characterized as extreme.

ey was his name, yanking teeth was his game and even by San Francisco standards he was a colorful and flamboyant character.

He set up shop on the back of a truck at Powell and Market and used drums, horns and huge Barker posters to promote his business.

"My friends," he used to say, "I want to tell you that God hates a man who neglects his teeth. . . ."

Why the state's Supreme Court is in turmoil

By K. CONNIE KANG

"You need machinery in cities all across the country to do that," the Sun-Herrost official said. "We don't think Cesar has that machinery anymore."

Saudi Arabia, Iraq and Mexico change their policies and join Kuwait, the 10-cent figure might go even higher.

—Mobil Oil joined several other major gasoline marketers in restricting deliveries to its dealers to 90 gallons available in the same month last year.

Please Turn to Page 16, Col. 1

California's new attorney general - hardly a 'Duke'

By RALPH JUVINALL

Congress will give President Carter power to take this action to control gasoline sales, and he also will be given authority to order temperatures

Meanwhile, Democratic Party leaders loyal to Brandie refused to automatically give Mrs. Byrne their support in the April 3 runoff against Republican Wallace Jabason, who won the GOP primary Tuesday.

Cook, Deputy Democratic Chairman George Dunne declined to answer reporters' questions about whether the party organization would back Mrs. Byrne.

For Mrs. Byrne the victory provided a touch of revenge. Brandie fired her from her job in November, 1976, after she accused the mayor of "creating a crisis" for a taxicab fare

The metro plan and the politics of L.A. busing

By LAURA R. MITCHELL

But the straitlaced California Board of Dental Examiners didn't think he was funny, and his sidewalk medicine shows finally cost him his license to practice. That was in 1929.

Even though he got his license restored five years later, thanks to help from his friend, former San Francisco Mayor and then Gov. James (Sunny Jim) Rolph Jr., he never quite got over the indignity.

He went to his grave in 1952, at the age of 69, with the blue still on his record.

near breakdown of what had once been his brightest foreign policy success.

pesals were made which were rejected by Sept. 17 and in fact much the meaning of the peace treaty between the two countries."

At first the reference to pesals angered U.S. officials, but a U.S. proposal for a comp package had been presented two negotiating teams Sunday ing.

Administration officials w speech later Tuesday that dismissal of Vance proposa aimed at the most recent bargaining position not a

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Amin's Regime in Uga

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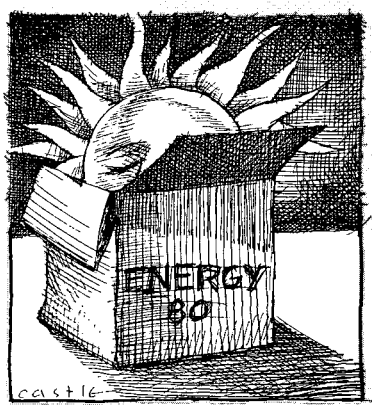
Personal

PERSPECTIVE

By Ed Salzman



Agenda for the '80s

Mere survival has been the job of government in the 1970s. Our system has escaped destruction — barely — after the Vietnam War, Watergate, the Korean scandal and the anti-government crusade that resulted in the enactment of California's Proposition 13.

What of the 1980s? Will it be more of the same, or will the state and nation come to grips with the difficult problems that have been accumulating during this decade of decadence?

Is it sufficient to pass a constitutional amendment requiring a balanced federal budget and proclaim that the economic woes of the nation have been cured? Is it sufficient to slash the property tax and put an indexing factor into the income tax and assume that happy days are here again in California?

The message of Proposition 13 wasn't simply that the voters hated government and high taxes. On the same ballot, Californians approved a bond issue for sewage treatment plants and defeated a measure to build new schools. (As some wag put it, they put effluent over education.) What those votes showed is that citizens are willing to spend money on projects they deem worthwhile and are also fed up with the quality of public education in California.

One of the prime missions of California politicians in the 1980s should be to shake the education system down to its roots so that public confidence in schools can be restored. Among some of the other missions for the decade ahead:

- Control health costs, both to government and to the individual patient.
- Put a clamp on local-government retirement programs, which are taking far too many public dollars.
- Somehow, get the people back in the election process so that candidates are much more than actors seen only on 30-second television spots.
- Reform the civil-service system so that incompetents can be fired.
- Get a true mass-transit program for Southern California off the ground (and, if possible, put an end to the laughing-stock status of the Bay Area Rapid Transit system).
- Establish a clear state energy policy so the users of electricity will know where their next kilowatt is coming from, be it nuclear, coal, liquefied petroleum gas, Mexican oil, solar panels or whatever.
- Restore confidence in the system of justice.
- Embark on more than a token wastewater-recycling program and prevent depletion of the state's groundwater resources.
- Take away embarrasing fringe benefits from legislators and other politicans, and give them fair salaries.

Those are a few of the items that should be on the agenda for the 1980s. The trouble is that many politicians see Proposition 13 as a mandate to do nothing but reduce spending, cut taxes and shift dollars around. Not enough see it as a call for basic non-economic reforms to improve the products of government.

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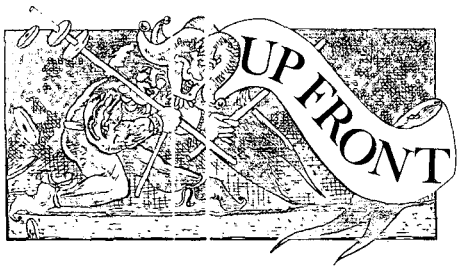

Wisdom from Hal Evry, California political campaign manager: "Maturity is never having to say anything to a reporter."

Senator S. I. Hayakawa, 72, is talking about remaining in the Senate for another 22 years. Meanwhile, Senator Alan Cranston, who faces the voters next year, is a bit concerned about the fact that it has been quite a while since Californians have given a senator a third term.

Significant statistic: During Mike Curb's first two months as lieutenant governor, he spent 16 percent of his time as acting governor. Which brings up the point that should Assembly Speaker Leo McCarthy be elected governor at some future date, California would not have a chief executive with one eye on the White House. McCarthy was born in New Zealand and thus is ineligible to be elected president.

Some California Republican politicians, notably Congressman Carlos Moorhead and Senator Newt Russell, are breathing more easily these days because former Assemblyman Mike Antonovich has selected Los Angeles Supervisor Baxter Ward as his target in 1980.

The unprinted news: Some Southern California reporters caught wind of a rumor that Chief Justice Rose Elizabeth Bird had purchased a nice, new car for herself at state expense. They checked and discovered that the vehicle was for the exclusive use of Bird's philosophical rival, Associate Justice William P. Clark Jr., who commutes by state auto each week between San Francisco and his home in San Luis Obispo County. Verdict: not worthy of publication.

To the physicist, "Brownian motion" is known as "ceaseless movement of an object sustained entirely by the heat generated from its abrupt change of direction." Humorist Ed Neville points out that California's governor is providing a clinical demonstration of the phenomenon.

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What happened when the state was reamed out

By Ed Neville

Like so many events which subsequently shake our society to the foundation, its germination was scarcely noted. A Eureka paper gave it front page coverage because its readers were directly affected, but the big metropolitan dailies, if they reported it at all, buried it back on the business page by the closing quotes on pork bellies.

Who cared if a couple of hundred guys up in the dampest corner of California went on strike? It was, after all, an election year and World Series time. A few saw its stark implications and tried to warn us, but we treated them as doomsayers or disaster freaks who had seen too many versions of "Airport 70-Something." A psychic in Oxnard foretold a vague calamity of major scope being caused by events involving "big trees and little compromise," but since her reputation had been built on recovering kidnapped goldfish, we treated her Delphic message lightly.

Perhaps the man on the street could be forgiven, but we bureaucrats should have known. There was no way that utter chaos could be avoided if this plague caught hold. Then the word began to spread — horrifying, paralyzing. It was whispered in the halls of government, too frightening to be said aloud: "The paper mills are going on strike."

No paper; Satan's work. Energy be damned — this is a *real* crisis. Godzilla amok in standard procedures land. No forms; sacrilege, tempting the gods. No comforting roar of the offset presses belching out 10,000 copies of "The Environmental Impact of Raquetball Clubs on the Chronically Unemployed." Too much, too much. So we froze at the throttle — and suddenly it was too late.

It was gone, the last beautiful 8½" x 11", virginally white, 20-lb. Sulfite sheet. Then the stately 8½" x 14" brilliant canary legal bond, then the onionskin, the pinks, the gorgeously lined greens, the rare goldenrods, the sturdy and simple foolscap, the steno pads, the notebooks, even the recycled stuff. Our manila, our kraft, the sheltering bristol, the much-loved butcher and finally that preemptive symbol of our calling — Xerographic! Gone, all gone — and we had done so little to save them.

Among other things, Ed Neville is caretaker of the state's paper supply.

The last weeks were full of tales of the noblest of the human spirit:

- The grizzled veteran civil servant, survivor of countless jousts with "cut, trim and squeeze" skirmishes, turning over the last 200 of his business cards to the accounting department so that the final batch of the "Notification of Intent To Remove Your Name from Our 'Notification of Intent' Mailing List" notices could be printed on the back and mailed before envelopes became extinct.
- The rows of dedicated clerks carefully taking apart the eight-copy, color-coded, snap-out (no carbon required) "Work Simplification Planning Proposal Analysis" forms to be equally carefully reassembled into the five-copy, non-color coded, carbonized and padded "Task Consolidated and Resources Conservation Justification (Part II)."
- There was even live TV coverage of a departmental director personally cutting the last ream of his letterhead stationery into four neat stacks of 4¼ by 5½ sheets, which were to be used for the imprinting of new personal letterhead.

In the doughnut

Of course there were the whispered stories of whole packages of 3 by 5 cards, white (lined) being sneaked out under vests; of adding-machine tape being taken into the restrooms and wrapped around waists, under the shirt, with the denuded core hidden in a half-empty pack of cigarettes. There was even an unconfirmed story of an office worker going out for break several times a day with a pad of "While You Were Out" forms hidden in her jelly doughnut.

The final days were terrifying in a way only a civil servant can appreciate. Fully staffed typing pools sat with only the sounds of whirring fans, the munch of Mr. Goodbars and the occasional pathetic random peck of a finger on the semi-colon key of an empty Selectric. A berserk middle manager droned endlessly into his dictating machine behind a wall of spent cassettes. Boards and commissions desperately tried to hold hearings with no printed agendas to ignore, no staff reports to overrule, no exhaustive studies to find fault with and no paper cups for coffee. There was at least one verified report of a totally deranged janitor running from building to building throwing now-useless wastebaskets out of windows. Although the culprits were never identified, it is true that a Model 560 paper shredder was removed to a parking lot, dressed as an effigy of Woody Hayes and used as a centerpiece for an orgiastic revel.

Little is recorded (no paper) of those final two hours before the Coming. Those who retain some clarity of mind speak of a darkening of the sky, little bonfires of wadded Kleenex, the solemn passing from hand to hand of a much-doodled 1978 Appointment Calendar (Form 1068-A 1967-100,000). There was some quiet weeping but most persons were silent, beyond caring.

And then it happened, like a subtle breath of cool breeze on a hot summer night. "They've settled, they've settled" — the whispered message swept across parking lots, down hallways, into barren supply rooms. "It's over," the chant began. "We're born again!" Crowds jammed the loading docks to see the first deliveries of cartons of blank paper. Some even report seeing very clearly a kind of golden aura of light surrounding the stacks of forms coming home to their designated places on the shelves.

Well, you've read the rest in the newspapers and have seen the now-refueled engines of government stir to life on your TV sets. Maybe by now you've even gotten your first-off-the-press "Report to the Citizens of California — the 1979 Hiatus," subtitled "Economies in Government Through Conservation of Critical Resources (i.e. Paper, etc.)." We've all been through it and reliving it is unnecessarily cruel.

But before this terrifying memory fades, let us solemnly and firmly resolve the following: This shall not come to pass again. Complete this resolution on "Solemn Resolution (Form 74-C)" and then:

Submit one (1) copy to the Office of Primary Files;
one (1) copy to your attorney;
one (1) copy to be posted at your place of work;
one (1) copy to be made into a paper airplane;
one (1) copy to be carried on your person at all times.

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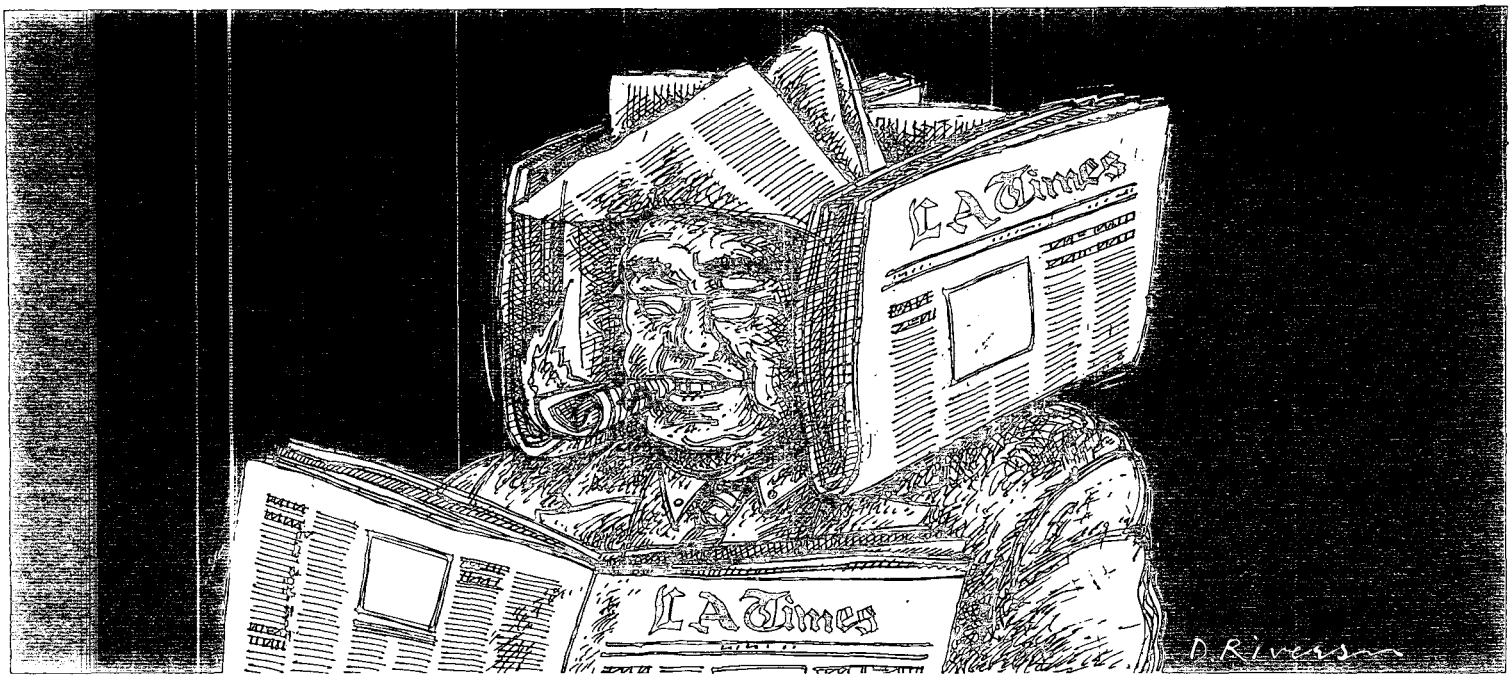

ILLUSTRATION BY DONNA RIVERS

THE CASE OF EULA LOVE

The Los Angeles Times: catching up with the times

By MICHELE WILLENS

The Los Angeles Times, *California's largest and most prestigious newspaper, is going through some subtle but important changes. In the following article, free-lance writer Michele Willens, a frequent contributor to the* Journal, *critiques the* Times *as a community and regional newspaper and analyzes where it may be heading.*

On January 3rd, a 39-year-old black woman named Eula Love was shot to death in her home by two Los Angeles police officers. The officers claimed the woman had assaulted a gas company man during a dispute over her unpaid gas bill. They shot her when she allegedly threw a knife at them. She owned $22.09.

Most of the one million people who read the *Los Angeles Times* the following day may not have known it happened. Of 138 pages and hundreds of news stories in the *Times* on January 4th, Eula Love got one paragraph. Finally, a week later, after Los Angeles' other daily newspaper and all the local TV stations had run major stories on the incident, the *Times* quietly joined in.

The Eula Love shooting angered many Los Angeles citizens, particularly the large number who could relate to a person not being able to pay a $22 gas bill. The *Los Angeles Times'* "coverage" of the shooting also angered many people inside the *Times*. They feel it exemplified the major weaknesses of a newspaper which considers itself among the best in the country, certainly the most important in the state:

- Eula Love's shooting was a potent local story. Yet the *Times* buried it behind an abundance of national and international stories.
- It dealt with a poor, black woman, and the *Times* has been accused of ignoring minority news. Publisher Otis Chandler has said, "We don't really care what sex or race our readers are; we do care about their income."
- The Love coverage in the *Times* raised the issue of the paper's relationship with the downtown establishment of Los Angeles, including the police department. Although police shootings of citizens have become a serious concern in the city, especially in its poor areas, the *Times* has written very little on the subject.
- Eula Love helped illustrate perhaps the most common criticism of the *Times:* its arrogance. For years the paper has been accused of a belief that if the *Times* didn't print it, people would accept that it must not be important. Eula Love proved them wrong.

Such arrogance is understandable. The *Los Angeles Times* is owned by a company, Times Mirror, which made $83 million in profits in 1978. The paper employs an editorial staff of more than 600 persons and maintains bureaus all over the world. It publishes more advertising than any newspaper in the world; its daily readership is just over one million. There were three other major daily newspapers in Los Angeles 20 years ago; today only the *Herald Examiner* attempts to compete with the *Times*. Its circulation is 300,000.

The *Times* is clearly the dominant news force in what is virtually a one-paper town. But critics wonder if the paper has served that town. Many see the *Times* as a 97-year-old, grey-haired man: conservative, lazy, part of the establishment, oblivious to the changing society around him. They say someone with such wealth, power and experience could have become a leader, but this old man became timid and complacent.

"A good newspaper should form public opinion, not just

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reflect it," says *Times* media writer David Shaw. (Shaw has been allowed to write candid articles on the *Times*' competition, and even to critique the *Times*' performance itself.)

But many observers say that the public opinion reflected in the *Times* for too many years has been that of the city's white, middle-to-upper classes. "The *Times* is just beginning to capture the flavor of this city," says *Times* reporter Austin Scott.

That beginning has been reflected in some important, recent changes which are breeding cautious optimism among critics both inside and outside the paper. "This paper is in its adolescence, editorially," says Metropolitan Editor Mark Murphy, who has been instrumental in the new changes. He concedes that the *Times* has stayed behind the times too long.

Making page one

Does the paper serve the Southern California area adequately? Or does it toss local news aside for national and international stories? A sample week of front pages contained nine local stories out of about 60; the rest were national and international news. The day that Eula Love got her paragraph, the front page included three stories on Iran, one on Peking and one on a congressional arms meeting.

"A local story gets on page one if it competes with the important national and international stories of the day," says Editor Bill Thomas. Thomas says he sees the *New York Times* and *Washington Post* as more serious competition than, say, the *Herald Examiner* or local TV stations, which helps explain why the paper's front pages emphasize news that is bigger than just Los Angeles. Even the advertising for the *Times* says, "Pick up the world today," not "Pick up your city today."

But Metropolitan Editor Mark Murphy denies that the *Times* has de-emphasized local news: "This paper has a tremendous amount of local news throughout," he says. He also admits "if it doesn't get on one of two pages (page three of the front section or the front of the Metro section), it gets lost."

Editor Thomas still feels the paper handled the Eula Love story responsibly. "We didn't want to go overboard until more facts came out," he says. Others on his staff believe the story should have been placed higher and probed deeper.

Even local government stories have been overshadowed by national and international stories. A year ago, while the *Times* had about 20 reporters in its Washington, D.C. bureau, it had only one covering City Hall and one covering Los Angeles county government.

Metropolitan editor Murphy waged a battle to change that imbalance and finally got four more people at City Hall and two more at the county. He also added bureaus in Santa Barbara and Riverside-San Bernardino, and named Bill Boyarsky chief of a new joint city-county bureau. The additional personnel has made it possible for the paper to do more in-depth local government pieces.

"At last we can free reporters to take some time and dig up some good stories," says Boyarsky, whose new position and bright writing have been morale boosters at the *Times*.

Giving reporters time to dig has already paid off. In the past few months, the *Times* has disclosed information on city council members misusing CETA funds. Another story dealt with major ripoffs in the home-improvement industry. Murphy's new writers are generally tough, young reporters like Robert Scheer, Henry Weinstein and Austin Scott. All are opinionated, outspoken reporters whose stylish writing adds color to what has traditionally been a bland and neutral paper.

"I always thought of the *Times* as this totally institutionalized, staunchly conservative paper," says ultra-liberal Scheer, formerly of *Ramparts* magazine. "But I've been pleasantly surprised this past year at the openness to ideas here."

But, Scheer says, there are still problems in the *Times* bureaus outside the city and county. "It's the petty egos in some bureaus which have hurt this paper," he says. "Those egos don't like reporters encroaching on their territory." Critics also see a problem in the *Times*' coverage of President Carter, which has not been very tough. Many feel it's because *Times* Washington Bureau Chief Jack Nelson, who is from Atlanta, has gotten too chummy with Carter and his Georgia advisers.

In the past, the *Times* was similarly "soft" on most political figures, but that, too, has begun to change. Sacramento writers Larry Stammer and George Skelton have gotten noticeably tougher and livelier in their coverage of Governor Jerry Brown. Even the *Times* reporters now on the city and county scene are taking sharper looks at public officials.

"We used to cover campaigns well," says Murphy, "and then we'd forget to tell people what they were getting for their votes. We've allowed a few bandits up there to run things. Well, it may not pay to be a bandit anymore, because we're watching more closely."

One person the *Times* has only now started watching closely is Mayor Tom Bradley, who got a free ride from the *Times* for his first term and a half. But reporter Ken Reich's articles on the bumbling attempts to bring the Olympics to Los Angeles have forced the *Times* to study Bradley better. "He really hasn't been a good mayor," admits Murphy.

Covering minorities

How the black community of Los Angeles feels about Bradley is one important story the *Times* has not done. But then that's not really surprising, according to one reporter. "The minority coverage here stinks," says Austin Scott, who is black.

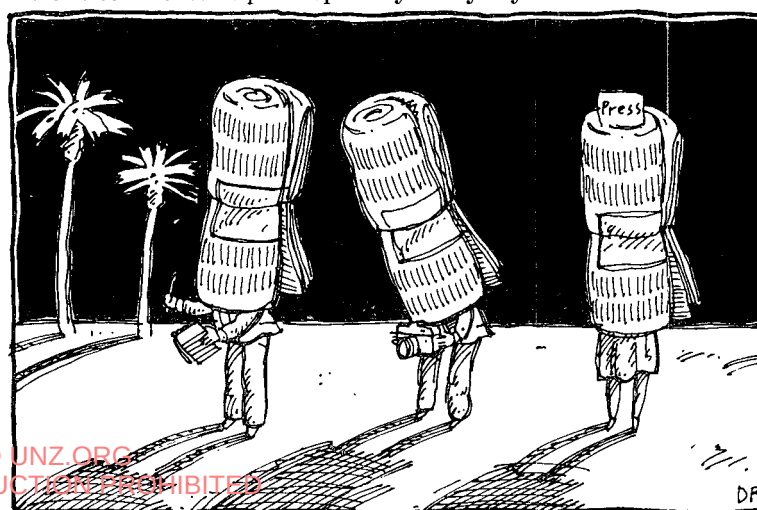
Editor Thomas sees it differently: "We're trying to cover minorities as they fit into society in general," he says. "I doubt anyone's doing that well."

But the *Times* hadn't even tried until recently. The newspaper has only about 17 minority persons among its 600-plus editorial employees. Los Angeles County is almost 40 percent ethnic, and the percentage is increasing.

"People in the black community say the *Los Angeles Times* doesn't give a damn about them," says Jim Cleaver, editor of the black newspaper *Sentinel*. One reason may have been a television interview in which publisher Otis Chandler talked about getting minorities to read the *Times*. "It's not their kind of paper," Chandler said. "It's too big, too stuffy, and, if you will, too complicated."

"I wish he'd have shut his mouth," Murphy says about Chandler's comments. "But he's a human being."

Many other employees at the *Times* didn't accept Chandler's comments as philosophically. They say his views re-



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flect the traditional *Times* way of looking at the area it supposedly serves. For example, a story on the impact of Proposition 13 only discussed families making down to $15,000 a year.

"Most of the minority coverage here still comes in reacting to crisis " says reporter Frank Del Olmo, who covers many Chicano stories. "It's not a day-to-day perception of how minorities are affected by the issues."

Yet 27 *Times* reporters are taking Spanish lessons, determined to improve coverage of the huge Chicano community of Los Angeles. A few new minority reporters have been hired recently, and management says there will be more.

"I still feel if I don't cover these stories, no one else will," says Del Olmo, "but at least I don't get as many arguments about the importance of the stories."

Women have had their grievances with the *Times* over the years, both women readers — many of whom are amazed that a major metropolitan newspaper still is loaded with society and "betrothal" news — and women inside the *Times*. A growing number have been hired as reporters, but there are still few in management positions. Only one woman has been editing at all, and she says she had to fight for her title, her desk and an editor's salary. She was also put on a "tryout" period, something neither of the men in the job before her had to do. Metropolitan Editor Murphy says, "The advent of women is still recent. It takes a long time to develop good editors." Meanwhile, the *Herald Examiner* has a woman managing editor and a woman city editor. Management at the *Times* says it is working to place more women in decision-making positions.

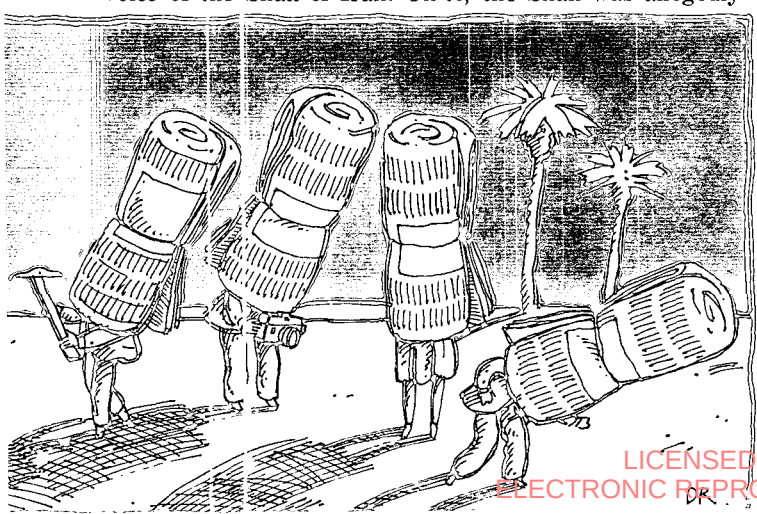
Assessing the competition

"We don't sit up here feeling no competition," says Editor Thomas; yet he admits he doesn't take the newly revamped *Herald* very seriously. Neither do he and Murphy feel local TV news stations are real competition. But *Times* reporters feel differently. They are aware that more people watch TV news than read the Times. Times editors brush that aside: "Above all, we are for people who read," says Thomas.

Times reporters have seen both TV news stations and the *Herald* beat them on several stories, including Eula Love and another on important former Carter supporters initiating an anti-Carter drive. It was KABC which examined the police shootings of citizens, a series which won the station numerous awards. KNXT has consistently led the media on the Hillside Strangler murder cases — yet the *Times* has refused to acknowledge revelations from elsewhere.

"We're growing up on that, I think," says Murphy. "We're trying to give credit where it's due."

Recently the *Times* got into trouble with its refusal to report a story initiated by a local TV station. KNXT ignited controversy when it disclosed a tape recording which the station said it had verified, by three voice experts, as the voice of the Shah of Iran. On it, the Shah was allegedly encouraging his military forces to foment civil war in Iran to make way for his return. The tape was challenged by many news agencies but its existence was acknowledged by just about everyone, including the *New York Times*, the *Washington Post* and CBS News. The *Times* did not print a word about KNXT's story.



"It was a matter of professional jealousy," says KNXT News Director Jay Feldman. Feldman called the *Times* "a good foreign paper which does what *it* deems important."

Times Foreign Editor Bob Gibson, in a radio debate with Feldman, called KNXT a good station "for local news," but he added that "such a station is vulnerable to a hoax." Gibson called the tape a "non-story" and said, "Based on our suspicion, we didn't investigate it."

Feldman countered by asking Gibson, "If you think we're giving the people of Los Angeles wrong information, don't you at least have the responsibility to report that?"

"It's a crock of shit for our editors to look down on TV news," says reporter Del Olmo. "I'm out in the communities, and people there know TV reporters more than the *Times* people — not because they're on TV but because they're out in the communities more often."

Dealing with downtown

The only community the *Times* has seemed to know well over the years is what's called the downtown business district. "The *Times* and the city establishment have had this Siamese twin relationship," says reporter Scott.

The "district" includes the Los Angeles police department, oil companies and big developers. The *Times* has tended to be pro-development in its viewpoint, less skeptical than most news agencies about the police department and relatively mild on environmental issues. The paper has also supported agribusiness, both directly and indirectly. A columnist, Ellen Stern Harris, was recently fired from the *Times*. She maintains it was because she was challenging pro-agribusiness treatment by another big institution the *Times* hasn't probed: the Metropolitan Water District. One of the benefactors of MWD water-pricing practices, according to Harris, was the Tejon Ranch, which is owned by the Times Mirror Company.

The *Times* says Harris was fired because she was too much of an activist on too many agency boards. Yet Harris says she had been involved with most of the agencies for seven years and had never had any problems with the *Times* before she joined the board of MWD.

The *Times*' emphasis on readers has produced inevitable results. In most metropolitan areas, combined daily newspapers reach about 65 percent of potential readers. But the *Times* and *Herald* together reach only about 40 percent of the homes within their circulation area, and 30 percent of the people of the Los Angeles area don't read any paper at all.

Yet even critics concede that there are improvements being made, including the *Times*' system of editing. In the past, the paper has "been edited with a shovel," according to *Esquire* columnist Richard Reeves. Readers constantly complain that the *Times* is inundated with rambling, endless stories. Reporters at the paper have also cried out for better editors, and the results are slowly becoming apparent.

The paper's format is also changing and modernizing. "We will be going through a subtle but total redesigning of the paper over the next few years," says Editor Thomas.

But what is most exciting to those inside and outside the *Times* is the recent trend toward greater editorial relevance. "We're hoping for wider vision all around," Thomas says. "It already feels like a whole new paper," Boyarsky adds. It doesn't read like one just yet — but the vital signs are healthy and hopeful.

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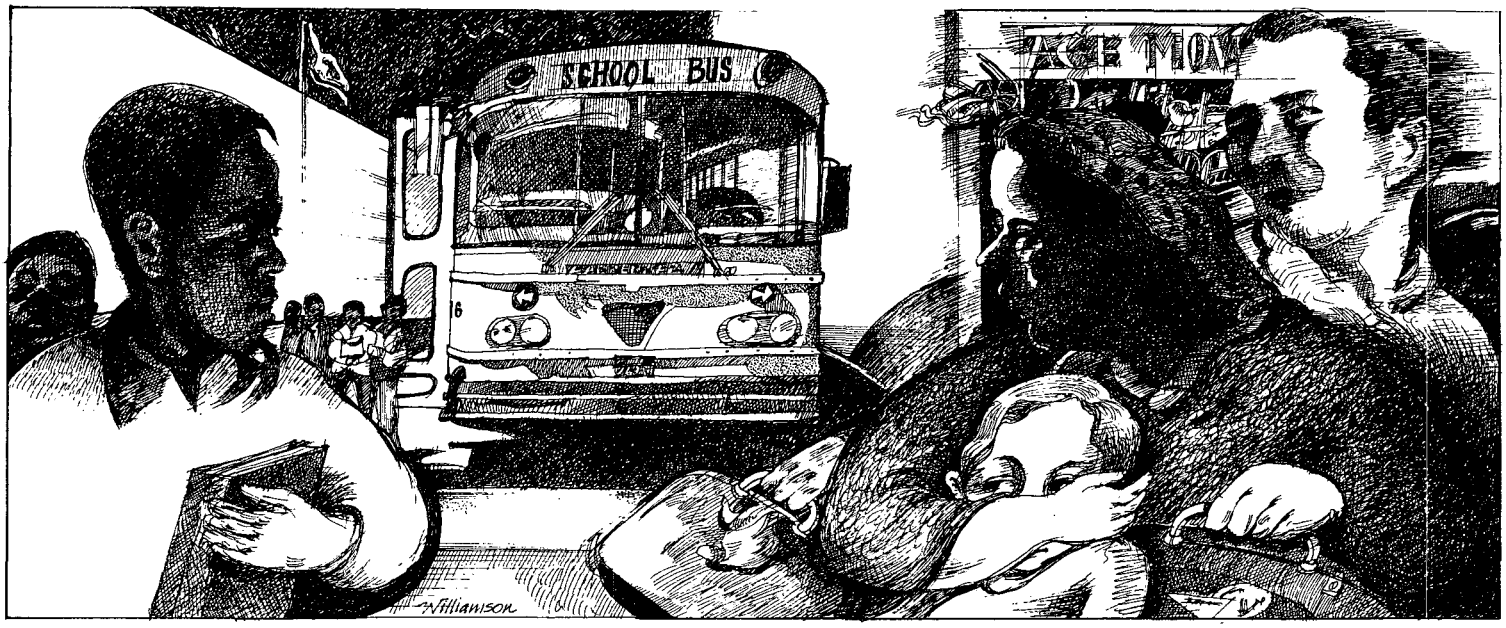

ILLUSTRATION BY GARY WILLIAMSON

THE ELEMENT OF 'WHITE FLIGHT'

How busing pervades the politics of Los Angeles

BY LAURA REMSON MITCHELL

More than 15 years ago, the Los Angeles Unified School District was charged in court with operating segregated schools. Superior Court Judge Alfred Gitelson ruled in 1970 that the district was indeed guilty and ordered it to correct the situation. In 1976 the California Supreme Court affirmed Gitelson's findings and ordered the district to take "reasonably feasible" steps to desegregate.

Finally last fall came the first modest steps toward desegregating the sprawling school district — including some mandatory busing for a small portion of the district's 556,000 students. But the political, social and educational fallout has been anything but modest. By any standard of measurement, busing for desegregation is currently the hottest issue south of the Tehachapis. It has affected political careers, prompted a flurry of proposed legislation, encouraged "white flight" from an urban area already moving toward a majority of minorities, and caused at least some renewed interest in a revolutionary method for funding education: the voucher system.

No one is standing in schoolhouse doors in Los Angeles. The controversy is far more complex than black vs. white, and implementation of the first-year plan generally has been peaceful. Yet anti-busing forces are convinced that the current plan does too much, and pro-busing leaders say it does too little. As the embattled school board tries to expand its desegregation efforts, the fight can only get more bitter.

Here are some of the complicating factors in the busing picture:

The Proposition 13 connection

Unhappiness over mandatory school busing may be part of a general political swing to the right and a feeling of distrust and anger toward government. Much of the leadership in support of Proposition 13 also has been vocal in opposing forced busing. Some pro-Proposition 13 campaign literature last year drew a clear link between the two issues and sometimes implied that passage of Proposition 13 would stop busing completely.

The thread tying Proposition 13 to busing was a school bill known as SB 90, passed in 1977.

Among other things, SB 90 permitted school districts to increase their property-tax rates to pay for costs mandated by the courts, by the federal government, or by initiative statutes or amendments. Obviously the most controversial court-mandated cost in Los Angeles was the desegregation order. (Similar provisions permitting tax increases for mandated costs already existed for other government agencies).

"Many of the people involved in the Proposition 13 issue who had children in school realized that if Proposition 13 passed, (the cost pass-through portion of) SB 90 could not be effectively implemented," says Bobbi Fiedler, founder of Bustop, the most active anti-busing organization. "It would not have stopped forced busing, but they felt that it would certainly tighten up the financial strings on the overall issue."

But things didn't quite work out that way. When the Legislature passed SB 154 last year to provide bailout money for local government and schools, the amount of state aid was based on a percentage of what each school district would have received if Proposition 13 had not passed. Since SB 90 had not been repealed, it affected that calculation. Thus the Los Angeles school district got some $55 million to help implement its court-ordered desegregation plan.

The result has been some interesting political gymnastics. Rather than concede that they had voted for a package containing money for busing, most Los Angeles politicians

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admitted instead that they had voted for a bill without thoroughly understanding what was in it. All this made funding for desegregation a major political issue.

The politicians' response

Reaction in Sacramento has been considerable. San Fernando Valley Assemblyman Robert Cline has introduced legislation that would specifically forbid use of state funds to pay for compulsory busing of students to alleviate segregation. And state Senator Alan Robbins has new hope for his proposed constitutional amendment (SCA 2) intended to limit mandatory busing itself. Robbins asserts that it is unfair to make all of the state's taxpayers foot the bill for correcting wrongs committed by an individual jurisdiction. In effect, that is what providing state funds for court-ordered desegregation does, he says.

But since local school districts have little revenue-raising capability under Proposition 13, denial of state funds for desegregation may cut off mandatory busing at the purse strings. With a court order requiring desegregation in effect, the Los Angeles school district would have to raid other parts of its budget to pay for desegregation. Some observers believe there is enough fat in the Los Angeles school district's educational program; others aren't so sure.

In any case, the funding issue poses a big problem for many politicians. "It's symbolic," explains Valley Assemblyman Tom Bane, who easily won re-election in November against a Republican challenger who used the busing issue in her campaign. Bane says he has long opposed forced busing, but he is also concerned about loss of funds for schools.

"I don't want to hurt the public school system," he says, "but I don't want to support busing by voting money for it." (Another Valley assemblyman fared less well in a busing-dominated campaign last fall when Republican J. Robert Hayes scored a surprise victory over incumbent Valley Assemblyman Jim Keysor. A Peace and Freedom Party candidate on the ballot drew 4 percent of the total vote, but Hayes wound up with 49 percent to Keysor's 47 percent. In 1974 and 1976, Keysor had received more than 60 percent of the votes cast.)

The metropolitan-plan threat

Perhaps the greatest statewide impact of the Los Angeles busing controversy is the recent groundswell of support for Robbins' SCA 2. When he introduced similar legislation last session, it died in committee.

"What's happened is, the metropolitan plan has changed totally the politics of busing," Robbins says. A "metropolitan plan" has been suggested by court-appointed experts as a way to desegregate the vast Los Angeles school district, whose enrollment is now only about 30 percent white. (See box.) Most of the white students live in the San Fernando Valley or in West Los Angeles. Most of the heavily minority areas lie south of the Santa Monica Mountains, although there are a few pockets of minorities in the East Valley too.

Because of these housing patterns, some of the bus rides necessary to pair white and minority schools within the district can be 20 to 30 miles long or more. As a result, more than 200 minority schools in the district have been classified as "racially isolated," and they remain untouched by the mandatory portion of the Los Angeles desegregation plan.

By using a metropolitan approach — that is, by desegregating *across* school district boundary lines — it would be possible to desegregate more Los Angeles students with shorter bus rides, the experts concluded. They envisioned a plan involving all 82 school districts in Los Angeles County, most of Orange County's 29, and parts of Ventura, Riverside and San Bernardino counties. *(continued)*

The complexities of busing

Even if everyone agrees that desegregation is important and busing is the best way to achieve it in the Los Angeles public schools, major problems would still remain. The district's size, diversity and changing demographics contribute to the complexity of the busing issue. For example:

- The Los Angeles Unified School District covers 710 square miles, stretching from the Los Angeles Harbor area on the south, across the Santa Monica Mountains and through the San Fernando Valley, to a northern boundary that runs somewhat north of the Los Angeles city limits, through unincorporated county areas. In addition to the city of Los Angeles, the district includes 10 other cities.
- Total district enrollment as of last fall was 556,000 — and less than 30 percent of those students were white. The ethnic breakdown: 29.8 percent white, 38.5 percent Hispanic, 24.7 percent black, 6.4 percent Asian and .6 percent American Indian.
- In total population, Hispanics are expected to account for more than 25 percent of both city and county by next year. Blacks are expected to be 16.2 percent of the county's population and 21.5 percent of the city's. Both the city and county of Los Angeles will be less than half white in 1980. However, the San Fernando Valley and West Los Angeles are expected to remain predominantly white, according to ethnic trend studies by the Los Angeles Community Development Department.
- Because of the limited number of white students and the vast distances that would be involved in desegregating some heavily minority schools, a patchwork system of desegregation has developed. The school board has classified 200 schools as "racially isolated" and excluded them from the mandatory plan. In addition, it has set up two voluntary programs. One, called Permits With Transportation (PWT), primarily serves black students bused to predominantly white schools. Offered for several years, this program now affects about 19,500 students. The other voluntary program is designed to attract racially balanced enrollments to educationally superior "magnet schools." The district has 46 such schools, with an enrollment of 11,000.

Thus, only about 40,000 students of the school district's total enrollment of 556,000 are involved in the mandatory portion of the plan, and only some of these students are riding buses in any given semester. The mandatory portion affects only grades 4 through 8 in schools with enrollments that are more than 70 percent white or more than 70 percent combined minority. Thus, a school that is 65 percent white and 35 percent minority would be classified as a "currently integrated school" under the Los Angeles plan and would not be involved in any mandatory busing.

Confusion has resulted both from last-minute court challenges and changes in the desegregation plan itself. Under court order to expand efforts for next year, the board seems willing to increase voluntary programs but not mandatory busing. Whether that will satisfy the courts isn't yet clear.

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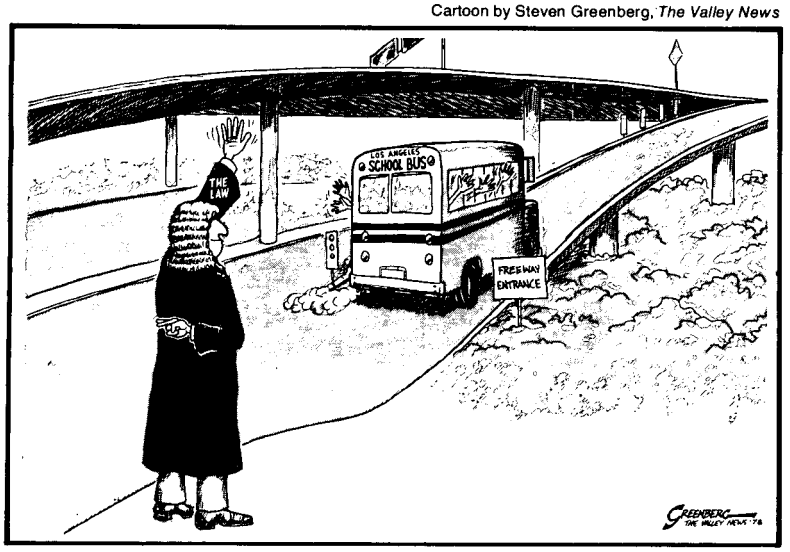
Cartoon by Steven Greenberg, *The Valley News*



"It used to be," Robbins notes, "that some of my fellow legislators would say to me, 'Gee, Alan, we're really sorry that your constituents in the San Fernando Valley have a problem of forced busing. But it's your problem. My district isn't affected.' Comes now the metropolitan plan. Now their district is affected. Now we're getting all (kinds) of support."

The Robbins amendment would not specifically prohibit compulsory busing for desegregation. Instead, it would insert into the California Constitution language limiting school desegregation to whatever is required by the 14th Amendment to the U.S. Constitution. Thus, the Robbins amendment would push the issue into the federal courts.

Based on recent federal court decisions, Robbins and Fiedler both believe that enactment of SCA 2 would mean, in effect, scrapping the *Crawford* decision — the 1976 state Supreme Court order calling for "reasonably feasible steps" to desegregate the Los Angeles schools.

(The *Crawford* decision is cited as the legal authority for desegregation guidelines issued to school districts throughout the state last year by the State Board of Education. The main theme of the decision was that school segregation is illegal regardless of whether it was intentional or simply the result of existing housing patterns. Nevertheless, the Supreme Court also upheld a lower-court finding that the Los Angeles school district "had taken affirmative acts which contributed to and perpetuated the racial and ethnic segregation in its school system.")

"Our amendment goes absolutely as far as we can constitutionally go in ending compulsory busing," Robbins says. But not everyone — not even all of SCA 2's supporters — is convinced that the measure would stop the Los Angeles district's desegregation plan. What it seems likely to do, however, is prevent implementation of a metropolitan plan.

"If metropolitan desegregation should become a reality," Fiedler says, "I think that it would be a good bet that the voucher system will go through in the state of California through an initiative process."

The voucher alternative

The voucher system would replace the present method of financing education. It would put public schools in direct competition for funds with private schools by giving parents of school-age children "educational vouchers" worth cash toward tuition at the schools of the parents' choice — regardless of whether those schools were public or private.

Opponents of the voucher system — led by the educational establishment and state schools Superintendant Wilson Riles — consider it to be fatal to public education. They fear it would hasten the "white flight" already apparent in districts like Los Angeles. About 29,400 white students, or 15.1 percent of its white enrollment, left the district this school year. But the degree to which the loss of white students represents "white flight" from busing is open to question, since the district has been losing white enrollment for the past decade. In a recent report to Superior Court Judge Paul Egly, who now has jurisdiction over the Los Angeles desegregation case, demographer Reynolds Farley of the University of Michigan attributes one-third to one-half of the drop in white enrollment to "white flight."

A local free-for-all

Two years ago, voters elected Bustop's Fiedler to replace pro-busing incumbent Robert L. Docter on the school board. And since then, the busing issue has spread far beyond local school board politics. For example, passage of Proposition M on Los Angeles' November ballot drew the Los Angeles City Council directly into the fray by forcing the council to determine which school board seats would be up for grabs in 1979 and which would be voted on in 1981. The proposition replaced the existing at-large system of representation used for the seven-member school board with a system of election from geographical districts. (Board members serve four-year terms.)

The rules governing election to the board of education are contained in the Los Angeles City Charter, which Proposition M amended. Some anti-busing activists, including Fiedler, had strongly opposed the proposition. Many observers believed its passage would make it tougher for anti-busing forces to replace board members they considered pro-busing with candidates who would vote with Fiedler and Richard Ferraro, another anti-busing incumbent, on desegregation matters. But once Proposition M was passed, the key question became which districts would come up for election in 1979.

The council quickly agreed on four of the districts:

- The ***West Valley*** district, where Fiedler lives, would select its board member in 1981.
- So would the ***West Los Angeles*** district that is home to school board president Howard Miller, a prime target of anti-busing forces. Miller, who won a full term in 1977, has been forced by busing opponents into a recall election on May 29th.
- There also was no dispute about letting voters in the ***Hollywood-Wilshire*** area choose their representative in 1979. Incumbent board member Kathleen Brown Rice, sister of Governor Jerry Brown, lives in the Hollywood-Wilshire district and is seeking re-election under the new system.
- The ***South-Central*** district, too, easily won a 1979 ballot slot. Diane Watson, who gave up her school board post to become the first black woman member of the state Senate, was generally viewed as the representative of the predominantly black South-Central area. In January, following a lengthy political tug-of-war, the school board finally filled Watson's vacated office by appointing the Reverend Lewis P. Bohler Jr., a black Episcopal priest from South-Central Los Angeles who has long been involved in civil rights matters and community affairs. A compromise choice to fill the vacancy, Bohler is not a candidate for a full term on the board.

The political free-for-all in the City Council arose over which of the three remaining districts — the harbor area, East Los Angeles, or the East San Fernando Valley — would have to wait until 1981 to elect a representative to the school board. The implications for busing could be significant. Those opposed to busing wanted 1979 votes for the East Valley and harbor area, where there is significant anti-busing sentiment, and a 1981 election for East Los Angeles. That would give anti-busing's Ferraro, an Anglo

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who won re-election under the at-large system in 1977, another two years to map his strategies for running in the heavily Hispanic East Los Angeles district where he resides. A 1979 vote for East Los Angeles would force Ferraro to face election this year.

Meanwhile, the Hispanic community in East Los Angeles was eager for a chance to choose its own board member, especially since the term of incumbent Julian Nava will expire in 1979. Nava, a West Valley resident, frequently had represented the interests of the Hispanic community. (Board member Phillip G. Bardos, generally considered a moderate on busing, also lives in the West Valley and completes an at-large term this year.)

The City Council was deadlocked. In desperation, the council used a lottery to decide which district would have to await a 1981 vote. The harbor area and East Los Angeles came up winners. The East Valley lost.

The minority view

That busing is having political impact in white communities is clear. But what about minority communities? Do blacks, Hispanics and other minorities share the objections of whites? Or do minorities view all the anti-busing rhetoric as covert racism?

The answers to those questions depend on whom one asks and on which minority group one asks about. Both Bustop's Fiedler and Senator Robbins claim support from members of the black and Hispanic communities, but how representative that support is remains uncertain.

Senator Watson believes that busing is not an issue in the black community. "The black community feels that they'll do what they have to do to get quality, even if it means putting their kids on a bus at five (o'clock)," she says.

She doubts the claims of some opponents of mandatory busing who say they are for integration but against busing: "It gets down to do you want integration or not. And I'm seeing that the real commitment is not there, because when you start talking about the means to bring it about, all these other considerations get in the way and act as stumbling blocks."

As for using voluntary methods only, Watson says, she has examined an article on a voluntary "magnet school" program in St. Louis and found that "it's not integrating the black schools. It's just integrating the white schools." And she goes further: "I have not heard an argument from Bustop that I did not feel was racist," she says.

The views of Los Angeles' Hispanic population are divided, according to Ed Moreno, principal of John A. Sutter Junior High School in the West Valley. Moreno has long been politically active in the Mexican-American community, both in the Valley and in East Los Angeles. Sutter, which is classed as a "currently integrated school," does not participate in the mandatory aspects of the Los Angeles desegregation plan but does have students who are voluntarily bused from minority areas.

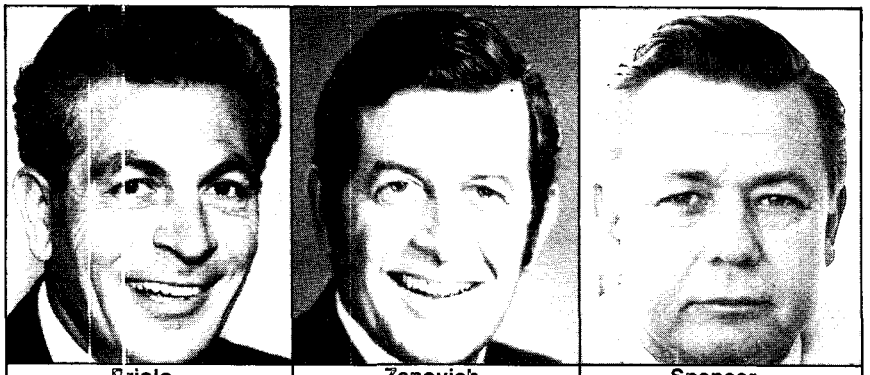
Moreno believes that resistance to desegregation is related more to economics than to race. He feels that poor Hispanics who are upwardly mobile are likely to accept busing. On the other hand, the middle-class Hispanic family who already has achieved some degree of success may feel just as threatened by busing as does the white middle-class family. As for the American-born Hispanic who has been trapped in a cycle of poverty from which he sees no escape, busing might be perceived as a threat to his "turf" — perhaps the only thing he feels he can call his own.

The important thing, Moreno emphasizes, is that it is a mistake to lump all Hispanics together. "They don't lump," he says.

It is uncertain to what extent minorities — especially Hispanics, who are the fastest-growing ethnic group — will make their increasing numbers felt at the polls in the near future. Indeed, there appears to be only one certainty in the entire busing picture: The battle will go on, both in the political arena and in the courtroom.

Newsmakers

Dymally after defeat



Priolo | Zenovich | Spencer

Even in political retirement, former Lieutenant Governor **Mervyn M. Dymally** manages to stay in the news. Among the revelations: State Finance Director **Richard T. Silberman** arranged a $10,000 contribution for Dymally last year from alleged underworld figure **Allen Glick,** owner of two Las Vegas hotels; following his defeat, Dymally and at least 22 aides took a trip to Baja, California at state expense; a report by the attorney general's office concluded that Dymally and state Senator **John Briggs** misused their positions in connection with prepaid health plans.

Assembly Minority Leader **Paul Priolo** said he would run for United States senator next year if he can raise a $5 million war chest . . . **Daniel H. Lowenstein,** first chairman of the state Fair Political Practices Commission will join the UCLA law faculty in July . . . The Commission on Judicial Appointments approved appellate judgeships for state Senator **George N. Zenovich** of Fresno and Superior Judge **Marcel Poché** of Santa Clara County . . . Veteran campaign manager **Stuart Spencer** and former state Senator **Dennis Carpenter** announced the formation of a government consulting firm in Newport Beach.

Alan Pasternak, nuclear-power advocate, resigned from the state Energy Commission . . . Governor Brown appointed actress **Jane Fonda** to the state Arts Council . . . United States Senator Alan Cranston picked Superior Judge **Lawrence K. Karlton** and attorney **Milton Schwartz** to fill federal judgeships in Sacramento . . . **Leah A. Cartabruno,** former managing editor of the *California Journal,* was named director of public affairs for the federal Bureau of Reclamation.

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Why the Bird court is in constant turmoil

By K. Connie Kang

Until recently, lawyers and legal scholars said without hesitation that the California Supreme Court was the nation's most prestigious state high court. They don't say that anymore.

In the aftermath of the bitterest judicial election in recent memory — climaxed by last-minute news reports that the court, for political reasons, had waited until after the November 7th election to release an unpopular ruling in the "use a gun, go to prison" *(People v. Tanner)* case — the image of the court is suffering badly.

It is now five months since the election, but there is no sign that the court's tarnished image will be restored soon. "It's going to take an awful lot of work by an awful lot of dedicated people to change things around," observes Preble Stolz, a professor of law at University of California's Boalt Hall and a long-time court observer.

"I don't have any solutions, short of a miracle," says a former Supreme Court justice who nowadays makes a point of staying away from the court because he can't bear to see what's happening there.

Esteem and morale

The court's problems are huge. Among them:

- Loss of its esteem and erosion of the public's confidence in the high court and in the judiciary as a whole.
- A severe morale problem pervading the judiciary and among the staff at the high court and the Administrative Office of the Courts, the administrative arm of the Judicial Council which the chief justice chairs.
- The apparent inability of the chief justice to lead the court for varied reasons, including her personality and management style and an unwillingness of judges to look up to her as their leader.

Under the leadership of Chief Justice Rose Elizabeth Bird, 42, the high court has become fractured and combative, with no visible unity of purpose or priorities. Sharp differences and philosophical cleavage among its seven members continued.

The trauma of *Tanner*

Bird has irritated a lot of people at the court with little and big things. One of her first unofficial acts as the 25th chief justice was to send for a locksmith to have the locks of her chambers and the offices of her personal staff changed. This seemingly insignificant incident astonished and troubledsome old-timers at the court. They saw it as a message that she did not trust them. "Our whole system is based on trust and confidence," one member of the court commented recently. "She has destroyed that."

Some members of the court expressed the hope for a more harmonious working relationship in the brief euphoria following the November confirmation of Bird and two associate justices. But that evaporated when the court's senior justice, Mathew O. Tobriner, 74, Bird's chief ally on the bench, moved to silence the criticism stemming from the *Tanner* case. Two days after the election Tobriner asked his colleagues to join him in signing a statement declaring, in effect, that the court had not postponed the release of the ruling for political or any other improper reasons. Justice William P. Clark Jr. refused to sign the statement. Justice Frank K. Richardson did, only after adding the qualifying phrase, "to the best of my knowledge and belief." The five signatures Tobriner got didn't do the job.

The unprecedented public investigation by the Commission on Judicial Performance into the court's handling of *Tanner*, and perhaps as many as three other controversial recent rulings, has cast a lingering shadow over the court. Beyond that, the probe has taken its toll on the individual

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justices. They all seem to have aged considerably in recent months, and they look tired. They are understandably apprehensive about the investigation. Will they be called by the commission to testify before television cameras? What will they say when asked about intimate conversations among themselves and their staff on the processing of *Tanner* and other cases? Where will they draw the line between what they can disclose in good conscience and what they cannot? These are troublesome questions that go through their minds.

They are unhappy also about the genesis of the investigation. Chief Justice Bird, reacting to news stories, unilaterally wrote a letter to the commission asking for the investigation. She simultaneously released copies of the communication to the news media. Both actions came late on a Friday afternoon, the day after Thanksgiving, when most members were away.

"It was a dumb thing to do," says an appellate court justice in San Francisco who is no fan of the chief justice. "No one who understands the function of the commission would have done that." However good her intentions, Bird had presented an impossible situation for her fellow justices. By making the request, she had made it appear as if the entire court wanted it, when that wasn't the case at all. Yet there seemed to be no graceful way for those judges who disapproved of her judgment to come out and say so without further revealing their troubles to the public. As a result, none came forward publicly.

"Such a publicized request also presents an impossible assignment for the commission, whose governing rule provides that 'all papers filed with and proceedings before the commission . . . shall be confidential until a record is filed by the commission in the Supreme Court,' " says Ralph N. Kleps, California's first administrator of the courts. Kleps quit six weeks after Bird took office, partly because he says he found her way of operation "unprofessional."

Controversy over the *Tanner* decision seems destined to continue. In a surprising move, the court in February set aside its controversial decision and agreed to rehear the case. Bird, Tobriner and Newman did not sign the order, but Mosk — who signed the lead *Tanner* opinion — did. At the rehearing in Sacramento, several justices traded verbal barbs with Attorney General George Deukmejian and criticized the "use a gun, go to prison" law as "ambiguous." No one can predict how the court will finally dispose of the *Tanner* case.

A laughing stock

Judges, legal scholars and lawyers are troubled by all this. Retired Chief Justice Donald R. Wright says the situation at the court now "is breaking my heart. I cannot recall a time when the court was under criticism like this. It is painful to me." He notes that even the *Los Angeles Times*, "a great ally of the court," has taken to criticizing the court in recent weeks.

The predicament must also hurt old-timers like Tobriner, 74, and Stanley Mosk, 66, who helped build the court's outstanding reputation while they served with such legal luminaries as Roger Traynor, Raymond Peters, Louis Burke, Raymond Sullivan and Wright.

"To think that the California Supreme Court has become a laughing stock makes me very sad," says an appeals court judge. "The ramifications are enormous. She (Bird) was absolutely the crowning blow, as far as I am concerned."

San Francisco attorney Robert Gnaizda of Public Advocates Incorporated, a former official in the Brown Administration, observes that the judiciary cannot survive for long without the respect of the legal community, news media and public. Will a public relations job help? "That won't work," Gnaizda says. "It'll require some bold, highly intelligent and courageous leadership."

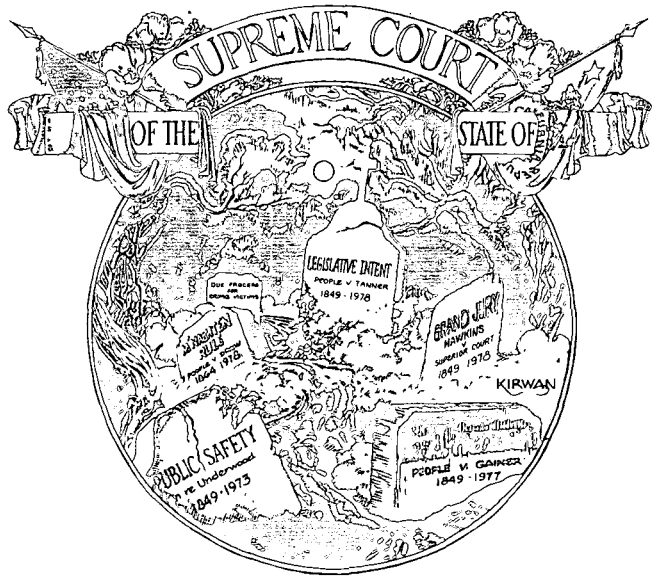
Contributing to the problem was the fact that Bird had to face voters before she had time to establish her power base. "The election was a very unfortunate event from almost every perspective," Stolz says. "I think the Law and Order Campaign Committee (one of two groups that opposed Bird) was running a bum rap on Rose — especially with the *Caudillo* decision. There is nothing unusual about that case." (In *Caudillo*, Bird sided with the majority to remove a three-year additional penalty imposed on a rapist, by finding that the defendant had not inflicted great bodily harm, as defined by the Legislature.)

But Stolz also observes that Bird could have handled the campaign better. She took a "very high and mighty" posture by saying she was not campaigning. Yet she went around talking to editorial boards of major newspapers and gave an interview on a public television station on the eve of the election. "I think that was hypocritical," Stolz says. "It amounted to " 'I will talk only on my own terms.' That was unfair."

The hostility level

Bird won an eight-year term to fill out her predecessor's unexpired tenure, but she won by the smallest margin of any high court justice since the state made judicial elections non-partisan 45 years ago. Her biggest obstacle appears to be that, after two years in office, she has yet to earn the respect of some of her colleagues, of much of the court's staff, and of many judges. "The level of hostility up and down the judiciary is extraordinary in my experience," Stolz notes. "I find it hard to believe that will disappear overnight."

Bird is not without her defenders, however. They claim she has made enemies within the legal and judicial community largely because she is a woman of iron will and principle, because she is attempting to make judges work harder and because she has attempted to eliminate some of the elitism from her profession. There are those who maintain she is the victim of a plan designed to produce public resentment against control of the court by liberals. Specifically, her supporters say that the furor over the *Tanner* decision was choreographed by representatives of law-enforcement and Republican Party organizations. Their



This is the cover of an anti-Bird booklet distributed by the California District Attorneys Association.

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effort appears to be aimed at creating a climate of public pressure to get the chief justice to resign and to force the court to issue tougher rulings in the area of criminal law.

No quitter

Can such a campaign succeed? Probably not. For one thing, people who know Bird say she is not a quitter. They say that the only thing that could make her step down would be her health. Bird, who underwent breast cancer surgery three years ago, has had two recent operations, both described as "minor."

For another, the composition of the present court gives the liberals a clear majority — four votes — on those issues that hinge on jurists' social and political philosophies. Bird is a former public defender whose law practice has been in criminal defense. Tobriner, a former labor lawyer, is a civil libertarian. So is Frank Newman, 61, who taught law at Boalt Hall for three decades and earned a reputation as a leader in the international human rights movement. Mosk, a former attorney general, generally comes down hard on law enforcement when defendants' rights have been abused or violated through errors made by police.

That leaves Clark, 47, (a former Ronald Reagan aide whom the governor groomed for the high court by appointing him to the trial and appeals courts); Richardson, 64, (a former appeals court justice) and Wiley W. Manuel, 51 (who served briefly on the Alameda trial bench and was in the attorney general's office for 25 years). However, this alliance isn't always predictable. Richardson and Manuel are more "moderates" than conservatives, which makes Clark the only consistent conservative on the bench. Hence, the Bird court is farther left than was the court before she, Manuel and Newman were appointed.

There is one ingredient that could tip the balance on the court: the impending retirement of Tobriner, who will be 75 in April. He has slowed down in recent months — no doubt the turmoil at the court has contributed to this — and sources close to the justice say that he wants to step down when the commission investigation is completed and his good name cleared. If Tobriner leaves the bench, Bird would be without her "acting chief justice," as he is known around the court. The chief justice would also lose her staunchest supporter on the tribunal.

There are many factors that have contributed to the court's current plight. Major responsibility must be assigned to Governor Brown, because he is the one who chose Bird, Manuel and Newman in a span of four months. The appointment of three judges, two of them without any prior judicial experience, was bound to have significant effect on the court. Newman, despite his previous academic reputation, has been a disappointment to legal scholars, including some of his colleagues at Boalt. "We thought we were getting another Roger Traynor. Instead we got a guy who is hardly here," a member of the court was heard to comment recently about Newman. Manuel — although he is well-liked — has not yet established himself as a legal heavyweight.

During his first term, Brown displayed such contempt for the judiciary that an undeclared war of sorts began to grow between him and the judicial establishment. He created a near-crisis in 1976, for instance, when he refused to fill 70 vacancies. Judges are underworked and overpaid, the Governor said. Why should judges make more money than janitors, Brown asked rhetorically. In effect, he told the judiciary to reform itself if it expected to receive support from the executive branch.

When Bird took office in March 1977, she faced the establishment that had been at war with her former boss. She was an outsider with shaky legal credentials. The only congratulatory message she received from a Supreme Court justice came from the conservative Clark, who had gone through a similar negative reception and was therefore sympathetic. By contrast, Justice Mosk — who had wanted the chief justice appointment — has been personally cool to Bird, even though their judicial philosophies are similar.

The first casualty in the power struggle was Ralph Kleps, the influential director of the Administrative Office of the Courts who had served under three previous chief justices. On May 2nd, 1977, six weeks after she took office, Bird called Kleps into her office and ordered him to execute an unusual contract. The contract was with the Department of Finance for the purpose of borrowing Edgar Kerry, an attorney with the state Fair Political Practices Commission, and John Robbins, a budget analyst with the Finance Department, to assist Bird in conducting a study on the operation of the judiciary.

Apparently the idea of having two men from the executive branch investigate the judiciary, and having the idea thrust upon him without prior discussion, angered Kleps, who had an almost free rein under Bird's predecessors. Her action was seen by some AOC staffers as yet another indication of an outsider's suspicions. After the study was completed, Bird put Kerry and Robbins on the AOC payroll as special assistants to Ralph Gampell, an old friend from Santa Clara whom she picked to replace Kleps.

When the announcement of Kleps' departure was made, two sets of press releases, literally minutes apart, were issued by the AOC. The first one, from Kleps, said he was "stepping down." The second one, from Bird, said he had "retired." Shortly after Kleps' departure, Bird fired two AOC employees, Glenn Lipsky and Jim Corn. They charged that Bird gave no reason for firing them. When asked about this, Bird said, through an aide, that it was a "personnel matter" that should be handled by Gampell.

The departures of Kleps, Corn and Lipsky damaged staff morale. In October 1977, Jon Smock, the No. 3 man in AOC who had been groomed as Kleps' heir apparent, quit. "Her dismissal of dedicated and competent employees is reason enough not to desire to remain in the employ," Smock said. In a letter, addressed "To My Friends," Smock said he was "calling it quits" after 12 years with the AOC because he didn't want to be part of the Rose Bird team.

"A key to understanding Rose," an old friend says, "is that she is a very cautious person. She is a cautious woman who trusts people she's known for some time and is comfortable with. She is not going to take risks with people she doesn't know."

A circle of friends

But her determination to surround herself with friends has been costly to her reputation. She caused a stir when she appointed Court of Appeal Justice John T. Racanelli, another old friend from Santa Clara, to the powerful Commission on Judicial Performance without first offering his name for a vote to her colleagues on the bench. Article 6, Section 8 of the state constitution specifies that five judge members of the commission are to be appointed by the "Supreme Court." After learning of her unilateral action, some of the justices confronted her and she promised she would not do that again, according to court sources.

What solutions are available, if any, to the troubled high court's problems? Suggestions range from a proposal to rotate the chief justiceship to demands for Bird's resignation. Some observers have even advocated popular election of high court jurists.

Former Chief Justice Wright says he has no answer. Then he adds, "Perhaps the play will have to play out to its end. We can only hope that the end isn't sad."

(For a different view of Rose Bird's stewardship of the state's judicial system, see "Reviewing the record of a beleaguered chief justice" in the August 1978 *Journal.)*

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The pitiful plight of the Democratic liberals

By Ed Salzman

What is the highest priority item on the liberal agenda in California (and the nation) these days?

Preventing the convening of a national constitutional convention, as suggested by Governor Brown, to balance the federal budget or for any other purpose.

What is the number two item on the liberal agenda?

Probably preventing the dismantling of social programs for the poor.

What is the third item dear to the hearts of liberals?

Probably preventing a rebirth of nuclear powerplant construction in the state.

Prevent . . . prevent . . . prevent — hardly the kind of program that fits the traditional definition of liberal. Liberals are supposed to be pushing bold new programs, theoretically to improve the quality of life for the common man. The conservatives are supposed to support the status quo and fight to prevent adoption of liberal proposals.

But in California today there is no discernible program carrying a liberal label. Relatively few Democrats would even describe themselves as liberals any longer. While most Democratic politicians in Sacramento may not be especially fond of Jerry Brown, they recognize that the conservative stance he has adopted makes good political sense.

After all, the business of politics is getting re-elected — or getting elected to the highest office. Does anyone doubt that Brown's fiscal conservatism is in step with the mood of the voters? The conservative movement is in charge, and the liberal mission is to suffer as few casualties as possible while retreating.

A rallying issue

One of the liberal problems these days is finding an issue about which to rally — one with popular appeal. There is no Vietnam War or Richard Nixon to kick around any more. At the federal level, it is easy to distinguish between a liberal and a conservative: A conservative wants to reduce spending for health, education and welfare. A liberal wants to cut spending for defense. At the state level, there is no such clear definition.

In Washington, Republican Congressman Barber Conable of New York observed that the country now has "a Republican Congress, full of Democrats." In Sacramento, the situation isn't much different. Many of the Democrats in the Legislature, especially those from suburban districts, no longer dare to vote their liberal hearts. They must follow the lead of Jerry Brown, whether they like him or not.

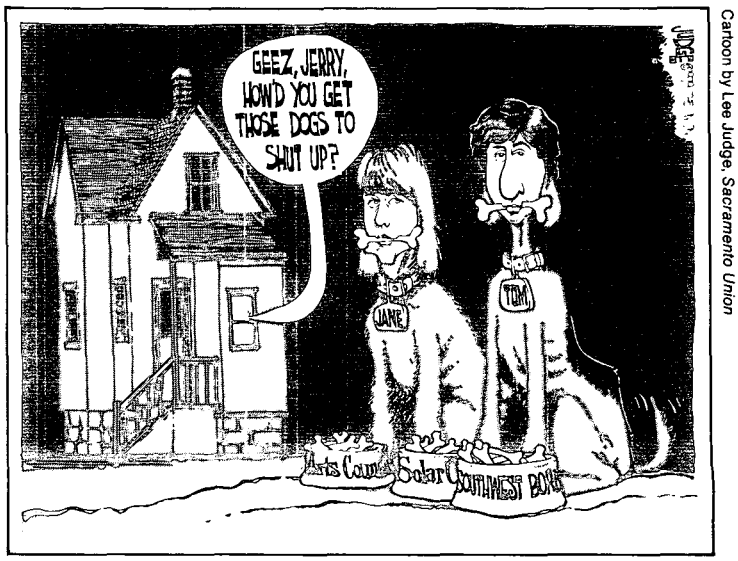
For some reason, there is a feeling that Jerry Brown suddenly became a born-again conservative following the passage of Proposition 13 and that he had been a liberal prior to that time. The facts speak otherwise. Brown has never been a liberal governor, except on some environmental, labor and tax-reform issues. He has been relatively stingy with dollars and has been under almost constant attack from those who advocate improvement in social programs.

Here is how the liberal Americans for Democratic Action (Southern California branch) describe the Governor: " 'Typhoid Jerry' has mastered the techniques of attacking and cutting and slashing and severing. But in four years he has not learned to create. He has not mastered the art of providing solutions to the state's myriad problems." The ADA characterized 1978 as "The Year of the Demagogue" and pointed out that the "liberal quotient" of legislative voting plunged to its lowest point in at least a decade.

It is ironic that Shirley Wechsler, the ADA branch's executive director, should be making the most vitriolic attack on Brown. (She accuses him of "pandering politics" and called him "a virus in the body politic.") Wechsler was one of Brown's staunchest defenders when he first took office. She was apparently working under the assumption that Jerry Brown was a liberal chip off the Pat Brown block.

Brown and crime

Most of the anti-Brown rhetoric these days stems from Brown's campaign for a balanced federal budget, even if a constitutional convention is needed to guarantee it. But there is another area of anti-Brown concern within some elements of the liberal community — Brown's position on crime. To the general public it might appear that Brown is a liberal in the field of crime and punishment because he opposes the death penalty. Nothing could be further from the truth. Ten years ago, the use-a-gun, go-to-prison law would



Cartoon by Lee Judge, *Sacramento Union*

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never have been taken seriously in the Legislature; everyone would have known that the bill would be killed in the Assembly Criminal Justice Committee. During the eight years that Ronald Reagan was governor, the Assembly liberal block maintained its firm stand against a variety of proposals designed to establish new crimes and increase punishment for the old ones. But once Brown became governor, the legislative attitude changed because Brown started backing some of the bills that the liberal Democrats had been killing with regularity.

The most important crime bill passed during Brown's first term established the so-called determinate sentence act. Liberal Senator Alan Sieroty, a crime specialist, voted against it, predicting that the liberals would not be able to resist the pressure to increase terms. Liberal lawyers claim Brown agreed not to tinker with the terms in the bill for at least one year. But Sieroty's prediction came true immediately. Even before the new law went into effect, Brown had agreed to major amendments in the law. As a result, the prisons are now overflowing with inmates, and the administration has proposed that new institutions be constructed.

The change in the potency of the liberal position on crime came primarily because some of the new Democratic legislators in the Assembly lost the hardness and resolve of some of the veterans who preceded them. But that is not true in legislation involving money, and that includes the entire social-benefit package. Just within the past few years, there has been a critical shift in the electorate that has produced the conservative reaction in many of the state's politicians.

Just five years ago, California voters responded to liberal leadership and defeated Ronald Reagan's proposal to put a lid on state spending — even though it would have been less disruptive than Proposition 13. But since that time there has been a drastic change in the economic facts of life for the middle-class Californian who wields the electoral balance of power. Inflation has put a pinch on the suburbanite. Housing costs have gone to the moon. Auto and gasoline prices have clobbered commuters. Families with college-age children became overburdened with educational costs. In short, those who had struggled for years to obtain some economic breathing space suddenly found it difficult to make ends meet. Proposition 13 gave them a vehicle through which to express some of their frustrations.

The middle class no longer is as sympathetic with those at the bottom of the economic ladder. There is resentment when white collar workers see people ahead of them in the supermarket checkout line pay a bill with food stamps. There is little sympathy for the woman with children and no paycheck. This is the era of the "me generation" — in terms of fiscal problems as well as psychological needs.

Staying in office

How does a liberal politician from a middle-class suburban area remain in office? The answer is that he or she masks the liberalism and starts sounding more like a Jerry Brown. There are now relatively few areas in the state where it is safe to be known as a liberal. That is one of the reasons why Republicans think they can defeat United States Senator Alan Cranston next year. Cranston was once a raving liberal but has carefully modified his image in recent years. The Republicans think they can defeat Cranston by pointing out that he was a leader in the United World Federalists and founder of the California Democratic Council, the liberal grass-roots organization that is a shell of its former self.

This means that there are only a few members of the Legislature (and the congressional delegation) who are willing to talk like liberals. For the most part they represent areas dominated by minorities and the poor, students or ideological liberals. These are places like Berkeley, San Francisco and west Los Angeles. Many Democrats in the Legislature come from places like Orange County, the central valley, and the San Fernando Valley — places where Democratic liberalism could result in a Republican victory in 1980.

One of those who can speak out is state Senator Nicholas Petris of Oakland, a prime liberal spokesman in the Legislature for two decades. Petris sees himself and a few of his colleagues as "Horatio at the bridge" trying to prevent a total conservative victory. "Sometimes when you fight a rear-guard action, you can get a magnificent victory," he says. "I'm trying to tell my colleagues that this is a time for shifting gears to go forward and not to get confused and go into reverse." Petris says he is distressed that some of his fellow Democrats who have liberal instincts seem to be joining the "stampede that is fashionable in the Democratic party."

One problem that liberals like Petris face is that they don't have any attractive programs to present as alternatives to the conservative plans of Brown and the Republicans. Petris says "there is program all over the place" but he is hard put to spell out details other than a bill by Assemblyman Tom Bates to provide renters with Proposition 13 refunds.

Petris, Sieroty and other liberal senators — Democratic leader David Roberti and newcomer Diane Edith Watson among them — are hoping to travel around the state speaking out for liberal causes and to reverse the trend within the party. But their plans have not yet produced anything, and it is doubtful that they will be able to launch a counterattack during this session of the Legislature, when they will probably be totally occupied fighting rear-guard actions in Sacramento.

A liberal agenda

Among liberals, there are programs that could be pushed, but they would stand virtually no chance of enactment and might produce far more losses than gains. Some of these were outlined in *New West* magazine recently by Derek Shearer, one-time economic adviser to the Brown Administration and an associate of Tom Hayden and Jane Fonda. Here are some of Shearer's suggestions for what Brown should be proposing instead of a constitutional convention: establishment of state health insurance and a public auto-insurance system, promotion of consumer cooperatives and direct marketing of agricultural products (from farmer to consumer), support for a renters'-rights bill, and adoption of tax reforms that hit business much harder than individuals.

Even Hayden, who still hopes to win election to the United States Senate, isn't talking too loudly about programs along those lines these days. He has maintained his connection with Brown, acting as Brown's representative in the solar energy field and accepting an appointment to the Southwest Border Regional Commission. Hayden's wife, Jane Fonda, was recently appointed to the state Arts Council, hardly a place where ultra-liberal philosophy can be expounded.

Aside from issues, liberals need charismatic leaders. The only liberal on the horizon who attracts a broad following is Senator Ted Kennedy. If Kennedy runs for president, the liberals will regain their enthusiasm. But if Kennedy is to win, the campaign had better be wrapped more around the candidate than the kind of issues propounded by Shearer and the Hayden Campaign for Economic Democracy.

At the moment, the public's favorite villain is the free-spending politician. That must change before the liberals can be born again. We will know that liberalism is alive and well in California and America when the items highest on the liberal agenda are proposed cures (such as Kennedy's national health-insurance plan) rather than a series of preventions.

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Suddenly, it's a new legislative ball game

By OTTO KREISHER

One day in February the state Senate used up a good part of a short floor session to adopt a rule change that would require "appropriate attire" for those persons privileged to come onto the Senate floor. "It was a question of maintaining the dignity and decorum," said Senate President pro Tempore James Mills.

A short time later, in the midst of an almost equally short Assembly floor session, the 23 freshmen members stood up and plopped green and gold beanies on their heads as their spokesman introduced them as "the Bad News Bears of '79."

"Glad to have you here, as if we had any choice," Speaker pro Tempore John Knox grumbled from the podium.

Those two events seem typical of what has been an unusually aimless and unproductive opening of a new legislative session. If the trend continues, this session could be Howard Jarvis' ultimate revenge against the legislators who, for so long, laughed at him and his tax-cutting schemes. It could also be the watershed year, marking the end to the high-spending, go-go years of California government.

Veteran legislators, lobbyists and Capitol reporters all agree that the beginning of the 1979-80 session is different. But no one is sure if this is a permanent change or merely a transitory phenomenon.

The Legislature thus far has been marked by four general characteristics:

- It is far more conservative on spending and taxation issues than those of recent years.
- It has been unduly preoccupied with minutiae and issues largely extraneous to the problems facing California.
- The working relationship between the Governor and the Legislature is probably the worst since the battles between Assembly Speaker Jesse Unruh and Governor Pat Brown.
- The level of competing political ambitions is unusually high.

The flavor of 13

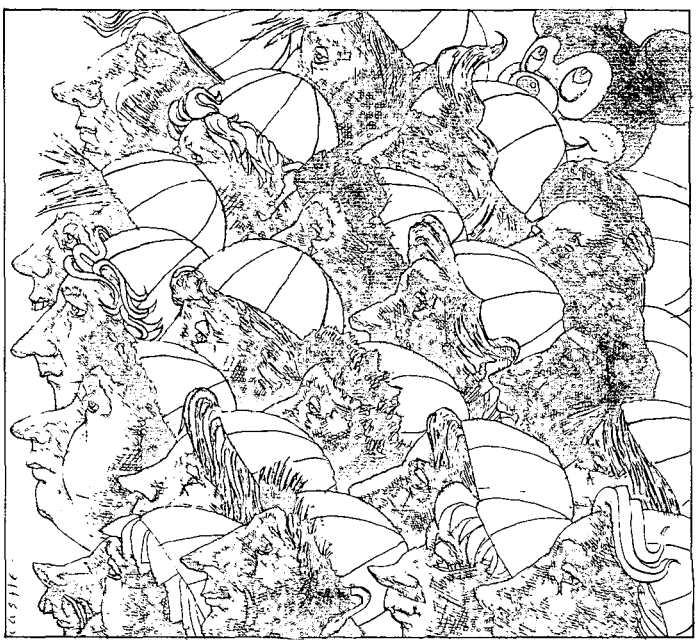
The conservative flavoring of the new session is unquestionably the result of the sweeping voter approval last June of Proposition 13. Although the Assembly Democratic leaders insist — with some justification — that they have been holding down spending for at least two years, the enthusiasm for cost cutting is much greater this year.

A major element in the conservative wave is the large number of first-term legislators who believe they were elected on a Proposition 13-inspired mandate to curb government growth. They are reinforced by veteran legislators who either survived last year's elections by embracing the taxpayers' revolt or are looking ahead nervously to next year's contests.

The freshman influence is particularly noted in the Assembly, where they make up more than one-fourth of the membership. With few exceptions, the 23 first-termers — Democrats and Republicans alike — are dedicated to reducing not only government spending but all aspects of government intrusion into people's lives. In addition to their self-assigned title of "Bad News Bears," the freshman class is being called the "Class of 13," after Jarvis' successful property tax-slashing initiative.

The freshmen have been unusually unified and uncommonly ready to challenge their senior colleagues and their leadership. One veteran Republican assemblyman has observed that there is little difference between fear and respect, and that perhaps the veterans have not instilled any fear in the newcomers. Assembly Republican Leader Paul Priolo says he doesn't know if the independent action by the freshmen is due to "a permissive attitude" by Democratic Speaker Leo McCarthy or "a matter of these freshmen saying, 'We hear a different drum beat than the veterans.' "

One clear example of the first-term legislators' approach is the number of bills they have introduced. It has been common for many years for a freshman to come into the Legislature with a burning drive to change the world and a lengthy list of proposed legislation to do it. But this year is



Otto Kreisher is the Capitol political writer for the San Diego Union.

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different. Although the bill introductions are running a bit higher than last year, according to Assembly Clerk James Driscoll, it is not because of the freshmen. As of the end of February, the veterans in the Assembly were averaging 11 pieces of legislation; the freshmen were averaging 3.5. In the Senate, veterans had an average of 14 while the first-termers had an average of only four measures each.

The freshmen attitude was clearly shown in the Assembly floor vote on a proposed rule change by Democratic Assemblyman Mike Gage, which would restrict each legislator to introducing 40 measures during a two-year session. Although almost all of the most senior Assembly members argued strongly against the rule, 21 of the 23 freshmen voted for it. During the debate on the bill limitation, one of the freshmen said the message from his constituents was "we don't want any more laws; we want less government."

The freshmen pressure on the leadership is being most strongly felt in the Assembly GOP Caucus, where 16 of the 30 Republicans are first-year members. At the insistence of the freshmen, Caucus Chairman Bruce Nestande of Orange had the Rules Committee seat the Republicans in a solid block on the Assembly floor. Soon afterwards, the Republicans used their new strength to block an urgency bill by Democratic Assemblywoman Maxine Waters that would have extended permission for local schools to employ a group of classroom aides. The bill was held up until Waters amended it to apply only to the current school year. Apparently angered by that and other early signs of increased partisanship by the Republicans, McCarthy called a quick caucus of the whole behind closed doors and had the seating arrangement changed to disperse the Republicans around the floor.

The added GOP strength is another key factor in the different way the Legislature is operating this year. The Republicans have the votes in both houses to block any measure requiring a two-thirds vote. That includes all urgency legislation, tax increases and spending measures, including the budget. This is a familiar condition in the Senate, which tends to operate less on partisan lines anyhow, but it has forced McCarthy to involve the GOP leadership earlier and more often in charting the course of major legislation.

Assembly GOP leader Priolo and Senate Minority Leader William Campbell are convinced that the conservative trend will persist throughout the session. But Democratic leaders generally say it is too early to tell how the new members will shape up because they have not had to vote on any of the substantive issues. That observation reflects another key difference in this session: With three months gone, almost nothing has been done on the critical issues the state must deal with this year. By the end of February there had been little action on either a long-term solution to local government financing in the post-Proposition 13 era, or on a second year of state "bailout."

Knox, the dean of the Assembly, says that while work on some of these major issues is being done by "the behind-the-scenes staff, the deliberative body and the committees have not addressed the serious issues." They have been too busy, he says, arguing over seating and dress codes.

The big distraction

But a more significant distraction has been the battle over whether the federal government should balance its budget. Although the Senate quickly passed a resolution calling on Congress to draft a constitutional amendment requiring spending to match revenues, except in national emergencies, the Assembly Ways and Means Committee held three long hearings on the proposal. The focus in Ways and Means was on whether the resolution should include a call for a constitutional convention if Congress does not act.

Governor Brown, firing the opening shot of his second presidential campaign, had called for the balanced federal budget and endorsed the convention call during his televised inaugural address on January 8th. But McCarthy put his full force against the call for the convention, and committee members suddenly became pawns in a monumental test of political power. Clearly the prestige and ambitions of both McCarthy and the Governor were on the line.

Although Brown used about every lobbying trick at his disposal, McCarthy prevailed and the convention call was defeated. The head-to-head battle over the constitutional convention was the second explosive break between Brown and McCarthy this year. The first one came when the Governor's budget for next year proposed to limit welfare recipients to a 6 percent increase in benefits, even though state law requires about 15.7 percent hikes to keep pace with the cost of living over two years. The benefits were frozen in the current budget year.

The Senate Democratic leadership joined McCarthy and his key lieutenants in declaring that they would not let Brown make political capital at the expense of those people at the bottom of the economic ladder.

Brown and McCarthy

Brown's relationship with the Legislature has never been cordial, but McCarthy and Mills tried to work with him through most of his first term. McCarthy, particularly, was a valuable ally. Now that alliance appears to be weakened and legislative veterans are beginning to compare the situation to the legendary conflicts in the 1960s between Unruh and the current governor's father. There is a difference, however, in the present confrontation. Unruh and Pat Brown deeply disliked each other, and both were rather emotional individuals. McCarthy and the current governor are calmer, more pragmatic men; the differences between them are more political than personal.

Political differences can be serious, though. McCarthy and Brown are operating with different goals, and they may find it hard to find common ground. Brown has left almost no doubt that he intends to challenge President Carter in the Democratic primaries next year, and he is trying to cultivate a national image as the patron saint of the taxpayers' revolt. McCarthy has his eyes on a race for governor in 1982, so he must be more concerned with what happens to the state and with building a strong identity for himself.

McCarthy also must be concerned that if Brown should win his high-stakes gamble, his move to Washington would turn the governor's office over to Lieutenant Governor Mike Curb, a Republican who would have the advantage of nearly two years of incumbency by the 1982 elections.

The conflicting political ambitions of Brown and McCarthy are only one small part of the complex web of political maneuvering that is troubling the new legislative session. Campbell also would like to make the bid for governor, which makes him a rival both to McCarthy and Curb. Priolo has declared he will "move up or out" next year and would like to challenge U.S. Senator Alan Cranston. But he may have to settle for a move over to the state Senate.

With McCarthy almost certain to give up his post to run for governor in 1982 and Senate leader Mills likely to retire the same year, the leadership posts in both houses will be up for grabs. That has brought more than the usual amount of maneuvering among potential replacements. Assembly Majority Leader Howard Berman of Los Angeles and Ways and Means Chairman Daniel Boatwright are considered key contenders at this point for speaker, with Democratic Caucus Chairman Art Agnos of San Francisco another possiblity.

Such political maneuvering is not unusual, veteran legislators say. But, added to all the other factors, it threatens to make this session more chaotic than most.

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The state's new top cop — neither 'Duke' nor 'Corky'

By RALPH JUVINALL

The truth lies somewhere between George "Duke" Deukmejian and Courken George "Corky" Deukmejian California's new attorney general is no brute of a top cop, despite the connotation of his overworked political moniker. Nor is he the kid-next-door that might be suggested by his real nickname, "Corky."

What Deukmejian is and what he is not is a subject that his friends discuss with ease, be they personal, political or professional acquaintances. First, he is no ideologue, they say. Nor is he a possessed political animal who is only happy when plotting the road to the presidency. Offering some evidence for both contentions, they cite two occasions during his 16-year political career when he thought about getting out.

The first occurred during his campaign for re-election to the state Senate in 1968. The Pro Life lobby was enraged at the key role that Deukmejian had played in the passage of the state's first therapeutic abortion law, carried by his close friend and then-Senate colleague Anthony Beilenson. So the Pro Lifers targeted his district for their strongest efforts. With jars of fetuses in hand, they conducted informational pickets of churches near Deukmejian's Long Beach home, passing out leaflets to churchgoers which charged him with murdering children. That shattered the bounds of propriety for Deukmejian, an Episcopal lay reader and an essentially private man. He seriously questioned whether public life was for him.

A second period of career-questioning hit Deukmejian in the mid-'70s when, after the kidnapping of Patty Hearst, the state Justice Department got a tip out of San Quentin that his name was on a Symbionese Liberation Army hit list, presumably for the central role he had played in the reinstatement of the death penalty. For an undisclosed period of time, he, his wife and three children were shadowed by a guard on a 24-hour basis; at his state Capitol office, district office, Long Beach home, and at his children's schools. Again, his public life was coming home, and he seriously thought about ending it.

Too nice?

Some observers think Deukmejian is too nice a guy to run the state's largest law firm. On paper, he's the least-qualified administrator to take over the Department of Justice in its modern history. Of the past seven attorneys general, all but one have come to the job with heavy administrative experience as the district attorney of a major county. The exception, Stanley Mosk, served as the executive secretary for Governor Culbert Olson from 1939 to 1942 and probably brought more administrative experience than most to the office.

Deukmejian has never before managed an organization of any significant size. As a Republican leader in the state Senate, he had direct responsibility for a staff which probably never exceeded 15 persons. When he first looked at the attorney general's office nearly 16 years ago, the Department of Justice employed 1,019 persons, 151 of them attorneys. Today he finds himself in charge of 3,138 employees, 470 attorneys among them, and an agency with an $89 million budget.

Other observers worry that he may be too soft-hearted to fire someone for incompetency. Once, during a campaign, Deukmejian's manager fired a staff member without clearing it with the candidate. Deukmejian first learned of the dismissal when queried by the press, a means of communication which did not please him.

(continued)

Ralph Juvinall is the editor of the Cal-Tax News, *published by the California Taxpayers Association.*

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"He delegates responsibilities but likes to retain control at the same time," says an aide. "It is not always clear at what point something should be brought to his attention or resolved without bothering him."

It may be a measure of the man that, two months into his new job, he was declining to be interviewed at any length about his plans as attorney general. Yet he has spent a large part of the past decade talking about issues directly related to the office. "He doesn't like surprises," says one Deukmejian confidant. "He likes very much to know where he's going."

Says his press secretary, Tony Cimarusti, "If you know him, you know he's not one to do anything precipitous."

"We gave him a surprise party on his 40th birthday," says another former employee, "and he mumbled something and went into a funk. We never knew if it was the surprise or the age of 40 that bothered him."

Picking and choosing

Within certain bounds, the Department of Justice is as powerful and as involved in the lives of Californians as the attorney general wants it to be. He can pick and choose his own issues to a greater degree than any other elected official in California, with the possible exception of the governor.

By all outward appearances, Deukmejian seems to have picked the activist's role. When he first began running for attorney general a decade ago, he promised to turn the Department of Justice from a passive into an activist agency for public protection. Not since Attorney General Stanley Mosk stepped down in 1964 to become an associate justice of the California Supreme Court has California had a truly activist attorney general, according to observers from within and outside the department.

Based on his actions during his first two months in office, California has one now. Since January 8th he has;:

- Challenged the constitutionality of the one-year-old state Employer-Employees Relations Act (SB-839 of 1977), an unusual move in that it challenges a legislatively established state policy — collective bargaining rights for state employees.
- Accused the California Supreme Court of "wreak(ing) havoc in the justice system in California" by retroactively applying a court rule change that overturned the murder conviction of Symbionese Liberation Army defendant Russell Little.
- Consolidated four Department of Justice legal divisions into two, thus eliminating two chief assistant positions. (Deukmejian named Robert H. Philibosian, a head deputy district attorney from Los Angeles and a tough-minded prosecutor, to head the new Division of Criminal Law; and Willard A. Shank, a no-nonsense veteran of the department, to take charge of the department's new Division of Civil Law.)
- Upgraded the environmental unit to sectional status, but placed it under the direction of Shank, presumably a mixed blessing for environmentalists. Shank reportedly served as Evelle Younger's pro-growth, anti-environmental house counsel.
- Upgraded the consumer protection unit and the antitrust unit to sectional status and placed both under the Division of Criminal Law, a move which may reflect a get-tough approach in the two areas.
- Created a special prosecutions unit, consisting of teams of deputy attorneys general and investigators, to conduct "major" organized crime prosecutions.
- Established a new, separate legislative unit, a move that will facilitate the expanded role Deukmejian is expected to take in the legislative process.
- Created a separate opinions unit, headed by Jack Winkler, the mild-mannered former director of the criminal division. Winkler will be charged with speeding the notoriously sluggish delivery of attorney general's opinions, which have the weight of law absent legislative or judicial action.

Deukmejian's new organizational structure will be overseen by Michael Franchetti, an affable, 10-year veteran of the department who served as Younger's chief legislative lobbyist before being named chief deputy attorney general by Deukmejian.

Younger generally made his top appointments from within the department's senior personnel, after taking over an operation that had been in Democratic hands for 20 years. By contrast, Deukmejian has had no problem — at the top levels, at least — in making a clean break from the prior administration or dipping down to the middle-management ranks to find the people he wants.

Most assuredly, the conservative Deukmejian's brand of activism will have little in common with Mosk's. Among his first major opinions was one concluding that a county does not have to provide non-emergency health care services to illegal or "undocumented aliens" as part of its general welfare program. And late in February, he went out of his way to point out in a press release that "any action taken by his office to block construction of an eight-level, 3,500-space parking garage by Harrah's Corporation (at Lake Tahoe) would be on behalf of client state agencies and would not be part of his own environmental protection program."

He has defined his brand of conservative activism in two speeches delivered since his election. To the California District Attorneys Association on January 4th, he promised: "We're not going to sit back and accept Supreme Court decisions affecting public protection . . . We will go back before the courts time and time again . . . I will personally go before the Legislature as many times as necessary . . . (But) we should and will turn to the public for support. They have, and will again, express their concern and desire for public safety through the initiative process and constitutional amendment, and we will turn to the people as a resource whenever necessary."

Speaking at a Republican convention on February 17th, he cited "four essential failures of our criminal justice system: It is not designed to detect crime before it occurs; it does not have the tools to curtail organized crime even when it is detected; it is not designed to convict guilty criminals but to inquire into the propriety of the policeman's conduct; and it fails to provide adequate, proportional punishment, undermining public safety . . .

"The truth is that an innocent man has very little to fear from our criminal laws," he said. "The same can be said of the guilty man."

A 16-year goal

With this agenda Deukmejian begins the job he's wanted for 16 years. The only son of an upstate New York rug and paper salesman, he came to Long Beach in 1955, after being released from the U.S. Army where he had served in the Judge Advocate Corps. He went to work as a deputy county counsel in Los Angeles, married Gloria Saatjian in 1957, became a partner in a private law firm, and began working

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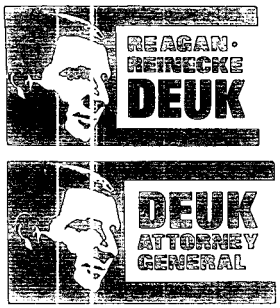

with Republican party members on a precinct organization for Long Beach's eight councilmanic districts.

Deukmejian also served as the volunteer campaign chairman for his assemblyman, Bill Grant. When Grant retired in 1962, Deukmejian beat out a crowded field seeking to succeed him. Following the court-ordered reapportionment of 1965, Deukmejian ran for and won an open state Senate seat in Long Beach. Fortunately, the newly constituted Senate carried a term expiring in off-years from the major statewide offices, giving Deukmejian a free run every four years. He would need them. Shortly after taking his Assembly seat in 1962, he had begun looking at the attorney generalship, then held by Stanley Mosk. By the time he had moved to the Senate, he had his mind firmly made up to run for the office in 1970.

While the quiet, slow-speaking Deukmejian was building a legislative record dominated by matters relating to crime and criminal justice, he did not succumb to what an aide describes as "the call of the demagogue," brought on by the campus riots of the late '60s and early '70s. He opposed legislation to deny University of California professors a cost-of-living pay raise, a measure he termed irrational and vindictive. And, as one aide says, "He's never had that hang-'em-high gleam in his eye when making the case for capital punishment."

Deukmejian paid his dues as a freshman state senator, carrying Governor Reagan's 1967 billion-dollar tax hike when no other Republican would touch it. He also authored the first senior citizens' property tax relief program and sought, unsuccessfully, to increase its income ceiling in each of the three years following enactment.

Deukmejian quickly fell in with the so-called Young Turks, a coalition of new-breed Republicans and Democrats who deposed old-guard Senate President pro Tem Hugh Burns and replaced him with moderate Republican Howard Way.

He unofficially began his first campaign for attorney general in 1968, working the grass roots of the Republican Party. By May 1969, when he formally announced his candidacy, Deukmejian was surprised to learn that only nine percent of the voters had ever heard of him. He was even more surprised the following year to learn that only nine percent of the voters had voted for him. Deukmejian placed fourth in a field of four; Los Angeles District Attorney Evelle Younger won.

He was uncomfortable both with campaign gimmickry and hardhitting attacks on his opponents. While his staff did manage to get him to charge that Younger was "trying to buy the election" and that the federal government had established a strike force in Los Angeles to combat organized crime despite Younger's assertion that it was not strong, his heart wasn't in it. And in the final days of the campaign, his staff took him on a "whistle stop" plane tour of the state and coaxed him out at each stop to raise a pair of binoculars to his eyes and announce to what press was there, "I'm looking for Ev Younger." Deukmejian only felt foolish.

Following Younger's inauguration, Deukmejian quietly sought but failed to get the appointment to replace him as Los Angeles County district attorney. In 1974 — with his name recognition boosted by his authorship of a successful initiative and subsequent legislation to reinstate the death penalty — Deukmejian again prepared to run for attorney general. Believing that Younger would enter the wide-open race for governor, he held a $100-per-plate Century Plaza fundraising dinner which grossed something close to $100,000.

But soon after, Younger announced his candidacy for reelection. Deukmejian withdrew his unofficial candidacy and, to the consternation of many advisers, returned the money he had raised, less 15 percent for overhead. "We thought some of the contributors might save the checks as keepsakes," laughs Deukmejian's treasurer, Patrick Formby, "but every one of them was cashed."

In his 1978 campaign for attorney general, Deukmejian took a poll shortly after the primary, asking voters which function of the attorney general's office should be upgraded. Seventy-eight percent of the respondents said law enforcement. The result confirmed his supporters' belief that they were on the right track with the right candidate — one whom the public strongly identified with law enforcement.

His opponent, Democratic nominee Yvonne Brathwaite Burke, also took a poll to determine what the public's priorities were; it showed that the death penalty — the one major law-enforcement issue on which the two candidates differed — rated sixth or seventh among most of the voters, well behind neighborhood burglaries and robberies.

"We knew we couldn't strap a six-gun to Yvonne's hip and out-law-and-order George," says Maureen Kindel, who helped raise $1.4 million for Burke. So her campaign tried to educate the public on the environmental, regulatory and consumer-protecting responsibilities of the office, while debunking the notion that the attorney general is California's top cop.

The Burke campaign also tried to develop a chink or two in Deukmejian's white-knight armor, including a charge that he was in violation of the State Bar's canons of ethics by maintaining his state Senate and private law offices in the same Long Beach suite. "The charges were not serious, and it was silly of them to attack Deukemjian's integrity," says one of his aides. "If he has anything going for him, it's his integrity — something any California legislator will confirm. They were hitting at his strongest point."

The Burke campaign also suggested in one TV spot that Deukmejian was the candidate of the rich. While Deukmejian himself is not a wealthy man, he received the support of a good number of wealthy men, groups and corporations on his way to raising $1.1 million. By far Deukmejian's largest contribution came from the California Real Estate Political Action Committee, which donated $20,500. The results surprised most observers: A 600,000-vote margin for a Republican is unusual.

Tears of joy

On January 8th, about 2,000 persons arrived at the Long Beach Arena for the swearing-in of California's 25th attorney general. Evelle Younger was there to introduce him. Hundreds of Armenian-Americans were there to celebrate the ascendancy of one of their own. And most of the volunteers and staff workers from his eight campaigns for public office were there, some of them crying.

For many it was a triumph of persistency. Deukmejian had finally triumphed, in tortoise-like fashion.

To the Republican who had run his first campaign for the attorney general's office in 1970, it was the nice guy finishing first. "He's conservative, but he's open-minded and flexible," says Bob Reid, now a Sacramento sports promoter. "He has a rational basis for each of his positions, and he's willing to let you change his mind with rational arguments of your own."

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INSTANT ENACTMENT OF BROWN'S URBAN STRATEGY

Savior of the cities — Would you believe, Howard Jarvis?

By MICHELE INAN

Bill Press, head of the state Office of Planning and Research, causes heads to snap when he tells ecology-minded audiences that Proposition 13 probably will prove to be the strongest environmental measure ever enacted by the people of California. Press, former executive director of the Planning and Conservation League and chief architect of Governor Brown's Urban Strategy, claims Proposition 13 has halted urban sprawl almost cold because cities and counties are not willing to finance services for new subdivisions.

The theory is simple: Cities now lose money on a housing development. The incoming property taxes do not nearly meet the cost of providing schools, police, fire and other services to the residents of the new neighborhood. As a result, cities and counties are pushing for new housing to be placed in built-up areas where services are already available. This is the policy of *de facto* urban containment — exactly what Press proposed in the Urban Strategy unveiled last year. "This policy would have taken years to implement at the state level," Press explains, "but Proposition 13 did this overnight."

The boom that wasn't

The construction industry expected a boom to follow passage of Proposition 13 because reduced property taxes theoretically would make housing less expensive. But now the contractors are screaming that they have been victimized by local government through land-use regulations, the increased cost of permits and fees, and the use of laws allowing government to exact the cost of constructing community facilities from subdivision developers.

Michele Inan prepared this article as a Journal *intern from the University of California at Davis.*

Look, for example, at what has happened in the rapidly growing (at least until 13 was passed) city of La Mesa in San Diego County. Prior to the passage of 13, the typical cost of fees and permits was $43 per unit. Now, the total is $1,283 a unit — including a $1,000 school-construction charge. These costs are passed on to the consumer, and it is estimated that the net cost is about $9 a month to the homebuyer — just from increased fees. The details:

LA MESA FEES FOR 100 UNITS

	Pre-13	Post-13
General Plan Amendment	$ 0	$ 300
Zone Change	3,685	900
Tentative Map	400	1,300
Initial Environmental Impact Report (EIR)	10	125
EIR Review	200	400+
Appeal	5	10
Specific Development Plan	0	300
Park Fee	0	25,000
Subtotal	$4,300	$ 28,335
School Fee	0	100,000
TOTAL	$4,300	$128,335
Cost Per Unit:		
Without School Fee	$ 43	$ 283
With School Fee	43	1,283

Builders claim that cities and counties are using the fee structure to recoup losses from Proposition 13 and that the new rate structure is excessive. Local officials maintain they are merely bringing fees up to date and recovering "full cost" of services provided by planning and engineering departments. Cities contend that in the past they had been, in

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effect, subsidizing developers by neglecting to update rates.

Why should cities and counties block developments when builders can be required to provide the cost of schools, parks and other neighborhood facilities? The answer is that developers cannot, under the Subdivision Map Act, be required to pay for the operation and maintenance of these facilities. There has not been a halt to all new subdivision construction, but Russ Selix of the League of California Cities concedes that "undoubtedly, there is some fallout due to close scrutiny of new developments."

The builders' response

Builders are fighting the increased fees both at the local and state level. They are seeking legislation that would prohibit fees from exceeding the cost of providing the specific service. Senators Milton Marks of San Francisco and John Holmdahl of Alameda County, who head the local government and taxation committees, are sponsoring bills to prevent local government from using the fee structure to block new developments.

The Proposition 13 factor is aggravating an already difficult situation for the limited-income family seeking to purchase a home. Before Proposition 13 was enacted, California was experiencing unprecedented escalation of housing costs, partly because units were in short supply. Now, those who buy homes in new subdivisions are being required to pick up the cost of community facilities. The Brown Administration is attempting to inject state funds into the housing market to spur construction of units for those at bottom rungs of the economic ladder — a difficult chore in an era when a typical new home costs more than $75,000.

It is generally agreed that the new charges will further push moderate-income Californians out of the housing market. (The situation had long since become hopeless for the low-income family.) One possibility is that government will allow construction of homes with fewer construction restrictions and fewer community amenities. Jack Shelby, a legislative advocate for the California Realtors Association, claims the solution may be a change in philosophy. "Is it really better," he asks, "to plan for ideal homes which an increasingly limited amount of people can afford, or is it better to get people into housing, park or no park?"

While local government quickly adopted a negative attitude on new subdivisions, it has put out the welcome mat for shopping centers and other retail establishments. The reason: The sales tax was not affected by Proposition 13, and cities and counties view sales-tax income as a substitute for lost property-tax dollars. Thus, there will be stiff competition for shopping centers. (Sales tax revenue is generally based on the location of purchase, not residence of the purchaser.)

The jury is still out on industrial development, once considered a "high-profit" item for local government. If the courts decide that the so-called unsecured property-tax roll (inventory and equipment) is not covered by Proposition 13, cities and counties will continue to seek industrial development. Otherwise, communities may decide that the property-tax dollars produced by a factory are no longer worth the environmental disadvantages.

What are the likely net effects of Proposition 13 on land use? Developers will be forced to use urban lots to keep housing costs down. New developments will be linked wherever possible to existing services and facilities. The supply of land for new development will shrink. Land shortages will boost the value of urban lots. Then builders will no longer be able to keep costs down by using land in built-up areas. The victims will be the low-income families, who cannot afford to buy homes and who may be forced out of their city-center units to make room for new development.

There are those who believe that Proposition 13 merely accelerated the inevitable — that surburban housing was becoming so expensive that the emphasis had to be placed on rehabilitating older units. Gloria McGregor of Davis, president of the California chapter of the American Institute of Planners, contends that the trend toward urban development is a "marketplace" response to the cost of new units. Michael Remy of the Environmental Studies Center of Sacramento State University adds that there is an increasing sentiment in our society to preserve what is old, including homes — partly because it saves money.

Ban on permits?

The housing crunch is apt to get even tighter as state aid to local government decreases and cities must watch their pennies more closely. As demand for housing increases, prices could skyrocket once again. Some cities might even flatly refuse to issue building permits.

What are the solutions? Will there be a restructuring of government financing to encourage local government to approve new subdivisions? Will there be a new sharing of sales tax revenues? Without doubt, Proposition 13 has produced a strong economic incentive for communities to control growth. Eulogizes Bill Press: "It is the irony of ironies that the man who is the savior of cities or the father of planning is not myself or Alfred Heller (founder of the anti-sprawl *California Tomorrow*) — but rather Howard Jarvis."

Selected Government Reports

California Supreme Court Service, a new weekly report by the American Institute of Continuing Legal Education, Inc.; Russell Lungerich, editor-in-chief. Includes listings of cases acted upon by the court during the preceding week, and their disposition; summaries of new opinions; and a separate sheet giving docket number, the question presented, name of counsel and official press release summaries for each pending case. (Subscriptions $150 per year, payable in advance to the Institute, P.O. Box 71526, Los Angeles, CA 90071.)

Large and Small Contributors Among California's Democratic Elite, by Edmond Costantini and Joel King, for the Institute of Governmental Affairs, University of California, Davis. Analyzes the ideological differences between large and small givers. 35 pp. Available as Research Report No. 36 from the Institute, Shields Library, U.C., Davis, CA 95616. ($3.00)

Final Report of the Governor's Commission To Review California Water Rights Law. This first comprehensive review of water rights law since 1912 recommends specific improvements in water use and rights and in groundwater management. 264 pp. Available from the Documents Section, General Services, P.O. Box 1015, North Highlands, CA 95660. ($3.50, payable to "Documents Section")

State Water Policy Issues, by Leonard U. Wilson, sponsored by the Council of State Governments with the National Science Foundation. A look into nationwide policies, problems and incentives to prevent a national water crisis by 2000 A.D. 64 pp. with appendices. Available from the Council, Iron Works Pike, Lexington, Ky. 40578. ($5.00)

Environmental Resource Data: Intergovernmental Management Dimensions, by the Council of State Governments, under a grant from the Resource and Land Investigations Program of the U.S. Department of the Interior. Looks at problems in collecting, coordinating and implementing natural resource data. 56 pp. Available from the Council, Iron Works Pike, Lexington, Ky. 40578. ($5.00)

A Bibliography for the Solar Home Builder, by Dr. Donald W. Aitken for the state Office of Appropriate Technology. Where to find information and how to evaluate and purchase home solar systems. 38 pp. Available free, from OAT, 1530 Tenth St., Sacramento, CA 95814. ($1.00 out of state)

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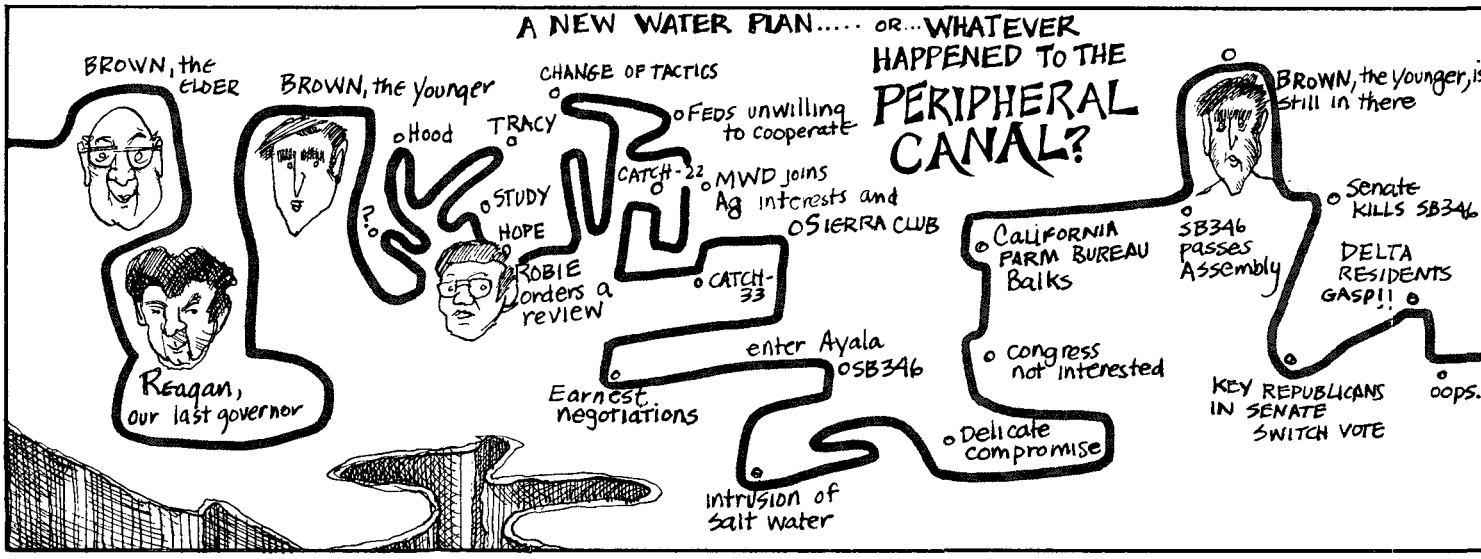
The evaporation of consensus on Brown's $7 billion water plan

By DAN WALTERS



Pat Brown's proudest achievement was the enactment of a comprehensive plan to move water from relatively wet and sparsely populated Northern California to thirsty, dry and populous Southern California.

Two decades later, the most conspicuous failure of Pat's son, Governor Jerry Brown, has been his inability to achieve a political consensus on completing the work his father began.

Nearly two years ago, the younger Brown announced that he had achieved a "delicate compromise" among the water warriors. Most of the factions involved in California's perennial political struggle over water had agreed, Brown said, on a $7-billion-plus plan to complete the water project Pat Brown had started, including the most controversial element, the Peripheral Canal.

But, like the Camp David accord on the Mideast, the "delicate compromise" proved to be illusory. For two years, the Brown Administration attempted to shoehorn the water plan through the Legislature. And for two years the critics, who can't agree among themselves, formed a strange coalition to block its passage in the Senate.

Hints of panic

The administration is trying again this year. But the early readings are that there is less agreement than before. The administration appears to be moving further away from, rather than toward, an accord that would be politically acceptable.

And as political consensus proves more elusive, there are indications of panic among Southern California interests for whom water is the key to economic survival.

The first phase of the California Water Plan, begun by Pat Brown, was completed during the administration of Ronald Reagan, at a cost of $3.2 billion. A large, earth-fill dam on the Feather River near Oroville backs up water from the spring runoff and releases it throughout the long, dry California summer. The water flows down the Feather, then down the Sacramento River into the Sacramento-San Joaquin Delta. Federally developed water flows into the delta from the Sacramento and American rivers.

Huge pumps at the south end of the delta draw the water into the head of the California Aqueduct, a man-made concrete river that snakes down the west side of the San Joaquin Valley, over the Tehachapi Mountains and then into the Los Angeles Basin. Water is drawn from the aqueduct — jointly operated by the state and federal governments — in the San Joaquin Valley, as well.

The state project as now operated is capable of delivering, during normal years, about two million acre-feet of water each year. That takes care of most needs now. But the state has signed contracts obligating it to deliver more than four million acre-feet of water eventually.

And that's where the Peripheral Canal enters the picture. The 43-mile-long canal would take water from the Sacramento River near Hood, south of Sacramento, and carry it around the delta to the head of the California Aqueduct near Tracy. It would allow the state to use more of the water that flows down the Sacramento because the water wouldn't have to move through the delta first. If the Department of

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Dan Walters is the Capitol bureau chief for the Sacramento Union.

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Water Resources tries to take too much water from the delta directly, it creates insurmountable water quality problems. The Tracy pumps already have reversed flows in some of the meandering channels of the delta, and delta landowners and those interested in aquatic life in the estuary are worried about further intrusion of salty water from the San Francisco Bay into the delta if more water is withdrawn at Tracy.

But they worry, too, about the effects of a Peripheral Canal on water quality. Water taken around the delta through a canal wouldn't help keep salty water out, they argue. And, they point out, once a canal is in place it would be tempting during some future drought to virtually shut off the Sacramento River at Hood and divert all of its waters southward into the San Joaquin Valley and Southern California.

A decade of debate

The arguments over the canal have raged for more than a decade. Reagan's fiery water resources chief, William Gianelli, tried without success to get the canal built. When Jerry Brown became governor in 1975 he appointed a new water resources chief, Ronald Robie. And Robie, in turn, ordered a review of the water plan and the Peripheral Canal.

Brown had come into office with strong environmentalist credentials. During his 1974 campaign, for example, he had endorsed a ballot measure to block construction of the New Melones Dam on the Stanislaus River.

The Robie review was completed in 1977 and it advocated exactly what had been state policy — to build the Peripheral Canal and to expand other water storage and conveyance facilities so the state could fulfill its contracts.

But it also added a new wrinkle. The canal shouldn't be built, Robie's task force concluded, until the federal government was willing to cooperate with the state in maintaining delta water quality. The federal Bureau of Reclamation had been unwilling to cooperate with standards laid down by the state and had a federal court decision that said it didn't have to do so.

Brown chose an appropriate time to begin the new battle over water. The state in 1977 was in the grip of a severe drought that taxed the ability of state and federal water agencies to avoid severe economic hardship. Against that background, Brown went to work and announced, in June 1977, that he had achieved his "delicate compromises."

Southern California water interests (represented by the huge Metropolitan Water District), San Joaquin Valley agricultural interests and, most importantly, major environmental groups such as the Sierra Club backed the Brown-Robie plan to build the Peripheral Canal only if the federal government cooperated on water quality. State Senator Ruben Ayala of Chino, chairman of the Senate Agriculture and Water Committee, introduced the requisite bill (SB346).

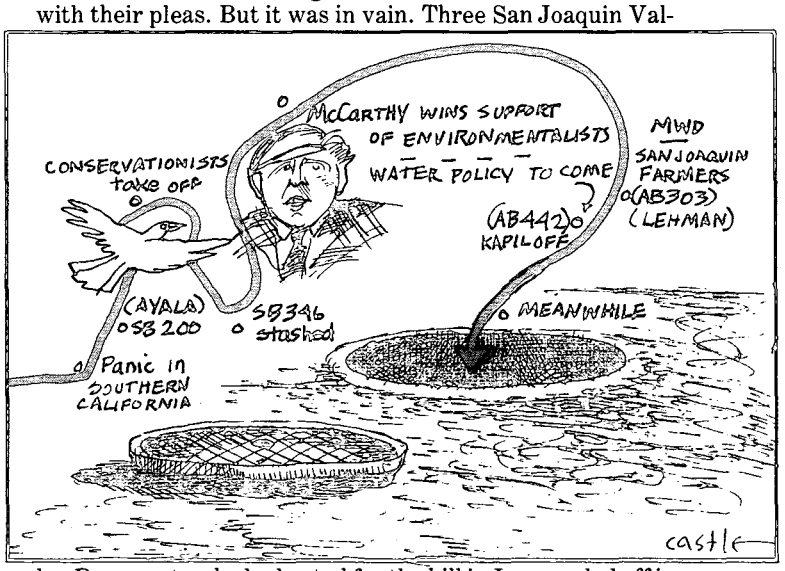
A short-lived miracle

It appeared at first that Brown really had accomplished a political miracle. The Ayala bill whipped through the Senate within days, despite opposition from some Bay Area and delta interests who had never agreed to the plan. But euphoria over Senate passage of SB346 in 1977 was short-lived as the San Joaquin Valley and major farm groups withdrew their support.

"We read the bill and after we read the bill we started to do some thinking," said William DuBois, a lobbyist for the California Farm Bureau. What the farmers concluded was that the requirement for federal water quality guarantees would be insurmountable because Congress would never agree. Moreover, they said, the bill as written contained some key differences from the agreement worked out in the governor's office. The bill would have required that a majority of the delta's water agencies approve the federal water quality guarantees. "This meant," DuBois said, "there wasn't going to be a Peripheral Canal."

Ayala's bill, despite the gathering opposition, squeaked through the Assembly after Assembly Speaker Leo McCarthy added some amendments that strengthened requirements for water conservation, reclamation and financial accountability for benefits.

When the bill returned to the Senate for concurrence in the Assembly's amendments the full weight of the opposition was felt. Republicans — perhaps sensing an opportunity to deny Brown a major victory just before a re-election year — joined the opposition. Lobbyists for the Governor, for environmental organizations, for the Metropolitan Water District and for organized labor buffeted the Senate with their pleas. But it was in vain. Three San Joaquin Valley Democrats who had voted for the bill in June peeled off in September. Six of the nine Republicans who had voted for the bill in June also deserted the ship. Ayala and Brown could muster but 21 votes — six short of the 27 required for passage — on the final day of the 1977 session.



The stalemate spilled over into the 1978 legislative session. Ayala took a test vote in February and got 20 votes. The bill languished on the inactive file. Late in the 1978 session there was an effort to revive interest. With the gubernatorial campaign just beginning, the administration tried to sell amendments that would convert the bill's voting requirement to a simple majority — 21 in the Senate. Speaker McCarthy, whose political relationship with Brown had undergone a decided chill, axed that effort. He insisted the two-thirds vote requirement remain, and that killed the bill.

The effort to enact a new water plan has resumed this year. But there are some new angles to the 1979 version of California's water battle. Ayala is back with three bills that do what SB346 would have done in 1977 or 1978. The most important is SB200, which would, in effect, authorize construction of the Peripheral Canal and the other facilities. It also is the only one requiring a two-thirds vote because it contains money.

But as Ayala introduces his new version of the administration's water program, he finds that the coalition that Brown had wrought in 1977 has completely vanished. It is, in fact, impossible to find one major faction other than the administration itself behind Ayala's package.

The two major water-using groups — the Metropolitan Water District and San Joaquin Valley farmers — are going their own way now. The farmers are backing a bill (AB303)

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by Fresno Assemblyman Richard Lehman that would push ahead with the canal with or without federal agreements. But that is given little chance of surviving even its first committee test and seemingly was introduced for local consumption. The Metropolitan Water District is trying its own legislation, meanwhile, which would focus on the Peripheral Canal and ignore other elements of the old program, such as conservation.

And, finally, the environmental groups have withdrawn their support from the administration and are backing, in principle, Assembly Speaker Leo McCarthy's independent effort to write a comprehensive water policy governing not only future development but such new issues as groundwater management and disposal of brackish agricultural waste-water. Groundwater management was introduced by a governor's water rights commission report.

McCarthy's newly appointed water committee chairman, San Diego Assemblyman Larry Kapiloff, has introduced a 139-word bill (AB442) that declares an intent to develop a comprehensive policy. With that, Kapiloff's committee has launched a series of hearings that approach water from a zero base. It's an approach that plainly dismays Ayala and others who have tried to win approval of the administration's water plan for the preceding two years. "I don't see the need for it," says Ayala.

He and others worry that the introduction of the new elements, such as groundwater management, create potential new enemies for any water bill and lessen its chances of passage. Most concerned is the Metropolitan Water District, which has a contract for two million acre-feet annually from the state water project. That much water can't be delivered now to the Los Angeles Basin and MWD doesn't need it now. It's taking about 750,000 acre-feet annually and selling some of its water to Kern County farmers.

But, beginning in 1985, MWD will gradually lose most of the 1.2 million acre-feet it draws from the Colorado River. The Supreme Court ruled in 1964 that Arizona has a right to the water and the Central Arizona Project is being built to take advantage of that right.

Eventually, MWD will lose about 700,000 acre-feet annually to Arizona, probably on a five-year phaseout. The value of that source was demonstrated during the recent California drought when Southern California was able to cut its deliveries from the north by two-thirds and make up the difference by increasing its use of Colorado River water. "The die already has been cast for shortages if the weather doesn't come up decent," says state water chief Robie.

Pushing the canal

It would take about 10 years to make the Peripheral Canal operational once the legislative and administrative red tape in Sacramento and Washington is cleared away. That means, therefore, that even if a Peripheral Canal bill were to be passed this year — a practical impossibility — it wouldn't be ready until about 1990, or just about the time the Colorado River water will have been diverted to Arizona. That's why MWD is trying to write its own bill, described by assistant general manager David Kennedy as "basically a delta bill. Let's confine it to that one issue," Kennedy suggests. "Let's end the endless studies." MWD is setting up a pressure group to push for the canal in Sacramento.

But MWD's forecast of water shortages in the next decade is not universally accepted. MWD director Ellen Stern Harris, for example, charges that the agency has paid only lip service to conservation and water management and could weather the Colorado River cutbacks more easily than its management implies.

David Abelson of the Planning and Conservation League, a former backer of the administration plan, uses the MWD's own figures to conclude that during the worst drought suggested by the district's studies, MWD could survive with 33 percent conservation — less than half the conservation attained by Marin County during the 1976-77 drought.

The Sierra Club, too, has removed itself from the coalition followed a bitter internal battle. "It's a new ballgame altogether," says John Zierold, the club's Sacramento lobbyist.

And finally, delta landowners who never were part of the coalition have not tempered their opposition to a Peripheral Canal in any form. They worry not only about its potential effects on delta water quality but about three other grim prospects: that they may have to begin paying for water they've always used freely; that federal water quality guarantees may subject their island holdings to the 160-acre legal limit on land ownership receiving federal water; and that a San Joaquin master drain may carry brackish, used irrigation water back to the delta from the valley.

Even the federal government, which has a long-standing committment to construction of a Peripheral Canal, is taking a second look on the orders of Interior Secretary Cecil Andrus.

The Brown Administration, recognizing the stalemate, is drafting amendments to the Ayala bill that would build the canal without federal participation. In adopting this build-it-now approach, the administration is aligning itself with Valley and Southern California interests. But that approach, which indicates a tinge of panic, is virtually doomed to defeat in the Assembly, headed by a San Franciscan, Leo McCarthy.

Vast amounts of money are involved in the water struggle. The availability of state water may determine whether San Joaquin landowners are able to retain their vast acreages or submit to the 160-acre limitation themselves. The continued urban expansion south of the Tehachapis is dependent upon the availability of water. The state's construction industry, including its labor unions, are excited about the prospect of a $7 billion public works program.

The struggle is likely to continue for years. Perhaps it will never be resolved, except as nature herself decrees.

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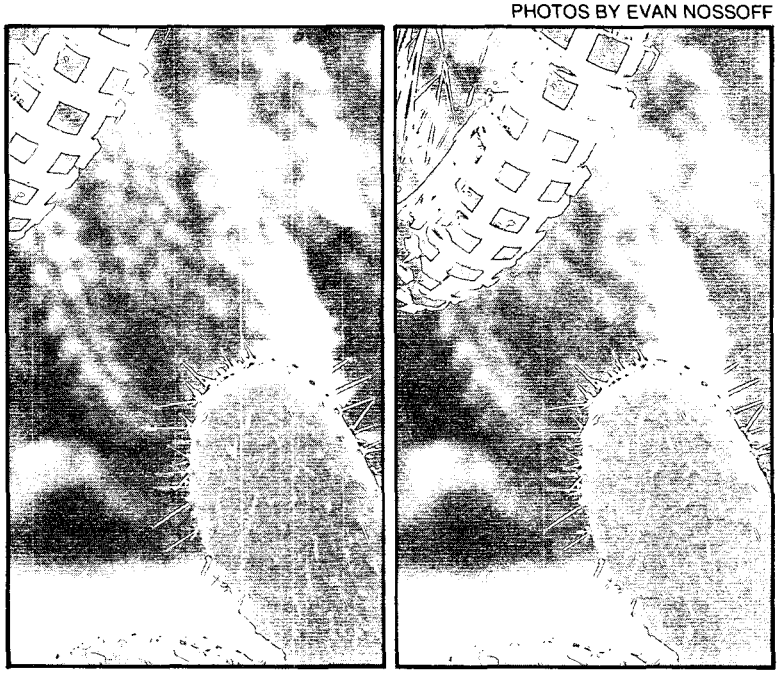
High-stakes conflict over the California desert

By PETER ALESHIRE

PHOTOS BY EVAN NOSSOFF



The federal Bureau of Land Management is trying to decide what to do with 12.5 million acres of Southern California desert, about an eighth of the area of the entire state. The decisions it makes will affect the future of 473 million more acres of BLM land throughout the country. Already the massive planning effort has provided a primer in the interplay of public policy, bureaucratic implementation and the influence of pressure groups.

The stakes are enormous. The vast BLM-owned desert areas will be a sort of planning guinea pig for the rest of the nation. An elite group of 50 researchers and scientists, the Desert Plan Staff, has been working for several years on one of the most comprehensive planning efforts the federal government has ever undertaken.

The public is just beginning to realize the value of this arid region. The sun-seared mountains offer geologic histories stretching back 600 million years. The harsh environment has wrung fascinating biological adaptations from a rich variety of plants and animals which live there. And ancient Indian cultures have left their artifacts scattered throughout the region. It is a land which harbors the oldest living things: the lowly creosote bush, which some botanists claim can live to be 10,000 years old. The marks of wind and rain on the land are clear, but scientists have also found square miles of ground covered with pebbles which have not been moved for thousands of years. It is one of the most easily scarred landscapes in the world, and perhaps the slowest to heal.

The vast expanse

About a quarter of California is desert, and some 470,000 people live there. Of the area's 40,000 square miles, half are owned by the BLM. The bureau's holdings alone are nearly equal to the combined areas of Massachusetts, Connecticut and New Jersey. The military owns another 3.5 million acres, while 2.5 million are in existing national parks or monuments: Death Valley, Joshua Tree and Anza-Borrego. Less than four percent of the desert is privately owned.

The $10 million California desert plan will be the forerunner of similiar plans for all BLM holdings. In addition, the U.S. Forest Service is revising its plans for 187 million acres. The combined one-million-square-mile area being studied by the two federal agencies is equal to the area of the 10 states west of the Rocky Mountains.

The planning process was set in motion by Congress in 1976 and will continue all through the 1980s. So far, most of the public attention has been focused on the first part of the overall plan, the survey for possible wilderness areas. The BLM has determined that four to six million acres of the California desert are suitable for a wilderness designation. That means they are without roads and substantially unaffected by man. A wilderness designation would bar off-road vehicles, roads, structures, power lines, mining and grazing. Whichever areas are included, the list is sure to draw fire from two directions: from conservationists who want more land protected and from miners, ranchers and off-road vehicle clubs who want the land left open. Already the battle among conflicting interests has been bitter. Public hearings have been reduced to shouting matches; off-road vehicle groups have defied court orders; federal officials have been intensively lobbied by powerful economic interests.

And the wilderness controversy is only the opening act. "There's going to be a lot of blood on the floor in the next year," says Dr. Wilbur Mayhew, a University of California at Riverside professor and member of the BLM's citizens' advisory committee on the desert plan.

In the past 10 years, according to BLM estimates, recreational use of the California desert has tripled. Visitor estimates range up to 14 million persons annually. The bureau had been grappling with this explosion of use for several years in a piecemeal fashion. Several early plans were or-

Peter Aleshire is a reporter for The Desert Sun *in Palm Springs.*

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dered for four desert areas totaling about four million acres.

Then in 1976 Congress passed a massive Federal Land Policy Management Act, which consolidated 2,500 pieces of legislation dealing with recreation, timber, minerals, watersheds, wildlife and other natural resources on government-owned property. But when it came to implementing the sweeping political directive from Congress, newly mandated agencies like the Desert Planning Staff had to deal first with a potent political force: the BLM bureaucracy.

Like most federal agencies the bureau is a civil service empire, and most of its administrators have worked their way up through decades of cooperation with mineral and grazing interests.

"The management positions are occupied by old-liners," says one BLM staff member. "The new people coming in have a set of attitudes that are different from those of a lot of the traditional managers. With the increasing environmental ethic in the last 10 years, younger staff members tended to want to rock the boat, wanted to change things. And that generated a certain amount of friction."

The friction was acute when the Desert Plan Staff moved into the Riverside regional office and began the delicate process of negotiating a relationship with veteran BLM staffers. And nowhere is the conflict more evident than in the uncertain development of new BLM policies on off-road vehicles (ORVs), chiefly motorcycles and four-wheel-drive dune buggies.

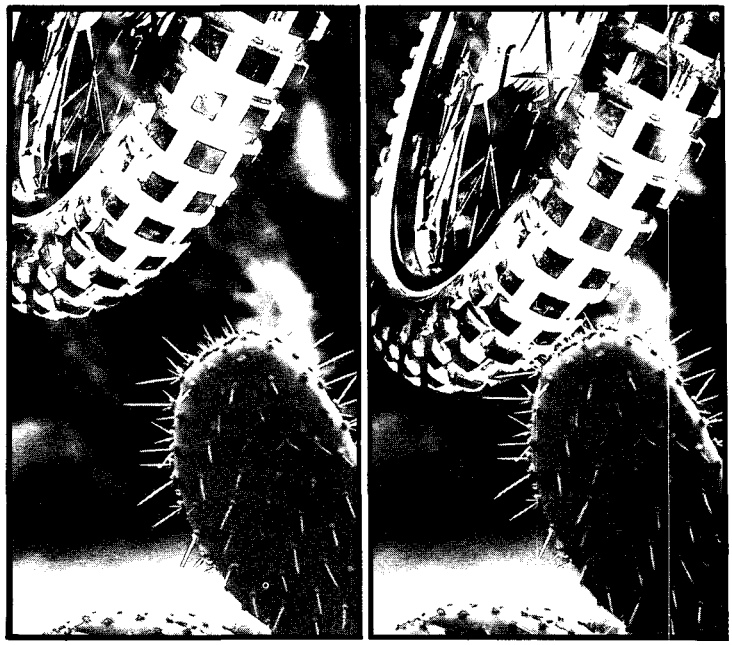
Controlling the motorcyles

From the beginning, regulation of ORV users was the most urgent and most bitterly resented portion of the desert plan. The BLM had produced an interim plan for the management of off-road vehicles as early as 1973, but it had been criticized from all sides, and even BLM officials admit that there was little enforcement of it. In fact, the BLM was sued by both conservationists and ORV groups when the plan was issued. The legal issues boiled down to whether the bureau should have done an envirnomental impact report on the plan before implementing it. The court ruled that the plan could be implemented as an emergency measure, and that the Desert Plan Staff's final effort, due in 1980, would serve as the environmental impact report.

The plan divides the immense sprawl of desert land into three categories for off-road vehicles: closed, open and areas in which ORVs are restricted to existing roads, trails and washbottoms. More than 90 percent of the 12.5 million BLM acres are in the restricted category. About three percent are closed entirely and the rest are open. In effect, the plan was a zoning map for vehicle use. It has been primarily successful in regulating competitive off-road events, a fast-growing phenomenon that is becoming a major problem.

The first off-road races were in the 1920s and '30s, when motorcycles were first introduced. But the events did not become popular until after World War II. In 1955, 541 riders were in the Big Bear Race across Yucca Valley. Only five years later the Big Bear Race drew 765 riders and 15,000 observers. By 1963 the Highway Patrol and the BLM reported the Big Bear Race had become completely unmanageable.

In recent years, the Barstow-to-Las Vegas race has received the most publicity. In 1974 environmental groups forced the BLM to do an environmental impact report on the 130-mile event which drew 3,000 motorcycles. The report found that the motorcycles kicked up 600 tons of dust, damaged plants and animals, and increased erosion rates. Since then the BLM has refused to issue a permit for the event, as required by the bureau's management plan. But last November, Louis H. McKey, a Fontana motorcyclist



nicknamed the "Phantom Duck," led off-road vehicle clubs in defying the BLM ban. The run was widely publicized in motorcycle magazines, and 600 riders turned up for the Thankgiving Day race.

Helpless BLM rangers stood by, taking pictures, while the event went off as scheduled. After mulling over this defiance for several months, BLM finally filed a motion in Los Angeles District Court to show cause why McKey, Rick Sieman, William Brinson, and Albert Fols, all of Phantom Duck of the Desert Incorporated, should not be brought to trial for comtempt of court. Some BLM insiders concede such belated action merely disguises the continued influence that off-road vehicle groups have on BLM policy.

"The special interests have a very major role," says one BLM source. "The economics of off-road vehicles is quite a big thing. Frankly, I'm at a loss to explain it. But a BLM manager who takes a stand against the special interests is apt to get himself removed."

Even if all bureau personnel were uniformly dedicated to controlling ORV activities, the job would be impossible with current staffing. The BLM has about one ranger per million acres of public land — 17 in the entire California desert. One recent state study said about 90 percent of a desert ranger's time is spent supervising and filing reports on competitive ORV events.

But some BLM staffers believe the regulations now in effect on off-road vehicles are at least a good start. "The plan has been a good first step, because it gave us something to work with," says Wes Chamber, assistant director of the Desert Plan Staff. "A lot of people say that just by putting out the maps with the restrictions we increased the problem. But it got a lot of people in the frame of mind to control off-road vehicles."

Chamber, who has always lived near the desert and was a planner for the Southern California Association of Governments before joining BLM, says regulation of the desert poses a dilemma: "I'm torn, like a lot of people who have grown up around here and had the freedom to run around, freedom to roam in a vehicle — because you can't walk far in the desert. Of course, having worked here and seeing the other side of it, the value and sensitivity of the resources out there, I can see the need for some kind of rational plan.

"The future generations aren't here to vote, and the whole idea of the plan is we're not going to destroy the desert. The plan is to make sure we don't."

The fragile land

The major concern about off-road vehicles among conservationists is the extremely fragile nature of arid soils. The

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plants and animals of the desert depend on a delicate layer of topsoil, created through thousands of years of weathering. When this topsoil is broken up, the underlying sand is vulnerable to wind and water. Thousands of tons of soil can erode annually from a single square mile of disturbed surface. Once that soil is blown or washed away, it may take centuries to produce new topsoil capable of supporting plant and animal life.

Far from being a barren wasteland, the desert harbors a wide variety of life. About 500 species of vertebrates, thousands of species of invertebrates and 1,500 species of flowering plants grow in the California deserts.

But the land scars easily, and the scars persist for centuries. The treadmarks of General George Patton's tank troops who trained there are still visible in some areas. Several Indian campsites, abandoned a thousand years ago, look as though they are only several weeks old.

One remarkable set of artifacts left by Indians provides perhaps the clearest example of the fragile nature of the region. The desert-dwelling tribes developed an unusual art form on the slopes of many desert mountains. Here they found "desert pavement," an expanse of ground covered with a tightly interlocked armour of pebbles. Over a period of thousands of years, the rain runoff sorts pebbles washed out of the mountain and fits them together until they form a uniform crust. These small stones, if left undisturbed for centuries, slowly rust into a distinctive rich brown oxide called desert varnish. The side of the pebble exposed to the sun turns dark brown; the underside remains pale.

Long before white men arrived, natives took advantage of this desert pavement to produce art works. They carefully removed some of the pebbles to make the outlines of human and animal figures and geometric designs called intaglios. Some of the patterns are 175 feet long, and many of them have been destroyed by recent development. Sometimes the destruction is accidental. Dams and transmission lines along the Colorado River, for instance, have already decimated about 50 percent of the known intaglios. But in some cases the destruction is intentional. Near El Centro the BLM erected a fence to protect a 5,000-year-old design. Someone tore down the fence and then ORVs drove in circles over the prehistoric art work, wiping out more than 75 percent of it.

On the other hand, one ORV group volunteered time and money to put a protective fence around intaglios near Blythe.

Some ORV users have proven nearly impossible to regulate. Ed Carlson, a park ranger in Joshua Tree National Monument, says he has been continually frustrated in efforts to close off ORV routes into protected areas of the monument. In one canyon route, rangers built a virtual tank trap, from concrete, steel cables and blades from road graders. Shortly after it was built, someone with a welder's torch cut through the steel blades and pulled them aside with a winch.

Public sentiment is clearly in favor of increased regulation of off-road vehicles, according to all opinion polls. But ORV groups have powerful economic allies when the issue of wilderness designation is raised. Mining and grazing interests are equally committed to their economic stakes in access to public lands. Many private landowners with property interspersed among BLM holdings are also rigorously opposing wilderness designation.

The conservationists have allies, too. Native Americans want to see tribal sites and relics preserved. So do archeologists and desert historians. When the final plan is completed next year, it probably will represent a series of compromises among all of the competing interests — without entirely satisfying any of them.

California CAPSULES

Runoff elections needed to replace Ryan, Deukmejian

Voters in San Mateo County and Long Beach will cast runoff-election ballots this month to replace the late Congressman Leo Ryan in Washington and Attorney General George Deukmejian in the state Senate. The top vote-getter from each party in March special elections will be on the ballot this month. The results:

March 6th in the 11th Congressional District: Democrats Joe Holsinger, 20,980; George Corey, 15,470; Jackie Speier, 13,744; Curtiss Landers, 1,475; Toby Plough, 731; Republicans Bill Royer, 19,592; Les Kelting, 6,578; Bruce Maher, 6,012; David Welch, 4,226; Peace and Freedom nominee Wilson Brach, 310; American Independent candidate Nicholas Kudrovzeff, 372. The runoff was scheduled for April 3rd.

March 20th in the 31st Senate District: Republicans Ollie Speraw, 14,794; Eunice Sato, 11,021; Wes Carroll Jr., 3,904; Marion McCallen, 831; Democrats Renee Simon, 14,711; Jim Ferruzzo, 5,032; Wallace Edgerton, 4,862; Dan Branstine, 4,723; Sandy Gibbs, 546. The runoff will be held on April 17th.

Gann's 'Spirit of 13' spending-limit plan qualifies for ballot

Paul Gann, co-sponsor of last June's Proposition 13, announced that more than 900,000 Californians had signed petitions to put his new 'Spirit of 13' initiative on the ballot in June of 1980 (or sooner if a special statewide election is held). Gann said the number of signatures is third highest ever filed in California and will far exceed the 553,790 needed to put the measure on the ballot. The measure would place stringent restrictions on spending by state and local government, with the limits based on cost-of-living and population increases. (For details, see "The new Gann plan," *CJ*, January 1979.)

Sohio pulls away from pipeline proposal, but may reconsider

Standard Oil of Ohio announced on March 13 that it was abandoning its billion-dollar plan to establish an Alaskan oil pipeline terminal at Long Beach. The company placed some of the blame on "endless government permit procedures" but refused to point a finger at Governor Jerry Brown. Sohio board chairman Alton W. Whitehouse said that "time has simply run out on this project." Sohio had spent five years seeking various state and federal permits at a cost of $50 million. A few days after the Sohio announcement, U.S. Senator Alan Cranston prodded the firm into reconsidering its pullout plans if Cranston can get all pipeline obstacles removed within six months.

Supreme Court upholds state ban on use of laetrile

By a 5-2 vote, the state Supreme Court upheld the state's ban on the use of the drug laetrile as a treatment for cancer. Justice William P. Clark Jr. wrote the majority opinion rejecting the claim that current state law violates the patient's right to privacy.

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CRLA pioneers, now members of the Establishment

By KERRY DRAGER

Hanging prominently on the office wall of Employment Development Department Director Martin R. Glick is a short-handled hoe. Like a sportsman's trophy, this now-extinct farming instrument is a symbol of accomplishment for Glick and for the organization that he once directed: the California Rural Legal Assistance.

"I'll never forget one farm worker we found in El Centro to testify before the division of industrial safety commission," recalls Glick. "Forty years ago he used the short-handled hoe for the first time. Before that, he had been a boxer. During the Depression there wasn't work for boxers so he did some heavy freight-car loading. Although it was very hard work, he could do it. But he never did anything like using that short hoe.

"He asked the farmers how to deal with it. They said, 'You can't do a good job without a short hoe, because you can be close — in contrast to a long hoe.' This farm worker testified: 'How is it that a golfer can take a little white ball way down there at his feet and then take this swing and hit that ball every time? With a long hoe, you're just reaching out, and going . . . clip.'

"It was very effective testimony," Glick smiles.

Former warriors

The fight against the short-handled hoe was one of many lawsuits by CRLA, which began in 1966 as a nonprofit law firm providing free legal assistance to California's rural, low-income population.

Since then, many former CRLA warriors have moved on to other areas of government and judicial work. Besides Glick, they include another former CRLA director, Cruz Reynoso, now a Sacramento Third District Court of Appeal justice; Assemblyman Art Torres; and ex-CRLA administrator Michael Bennett, now executive director of the Fair Political Practices Commission.

The CRLA has moved on, too. Now headed by Alberto Saldamando, it includes about 60 attorneys, 30 community workers and paralegals, 70 clerical and other support staff, operating in 12 offices throughout the rural portions of the state. In addition, an administrative office is located in San Francisco and a legislative office is in Sacramento.

The CRLA represents not only farm workers, but anyone with a low income living in one of the rural areas covered by a CRLA office. Legal problems handled by CRLA include consumer fraud, welfare, wage claims, unemployment insurance, Social Security, and problems with landlords, such as eviction and housing code violations. CRLA does not handle criminal cases.

Despite class action suits, about 80 percent of CRLA's staff time is spent helping individuals with their legal problems. The legal assistance is free, although court filing fees and other minor costs may be charged to the client.

It was different a decade ago. "We came into a situation where laws just weren't being enforced for the poor people," recalls Bennett, who assisted founder James D. Lorenz when CRLA began. "We tried to balance the scales that farm workers were always on the short end of. Our purpose was to give the farm workers bargaining power — economic, legal, political aid — to help them help themselves.

"So CRLA was basically a conservative organization," Bennett notes, "because we wanted to enforce those laws that the Legislature had already passed."

At the time, few agreed with Bennett's assessment of CRLA's philosophy. Such legendary conservatives as former Governor Ronald Reagan and former U.S. Senator George Murphy wanted CRLA's doors closed — permanently.

Reynoso was director when Reagan claimed that CRLA had violated certain statutory and administrative regulations and then vetoed the CRLA's $2.6 million grant. Frank Carlucci, then director of the federal Office of Economic Opportunity, later approved the grant after a special investigation supported CRLA.

(In recent years, CRLA has received financial support from the federally created Legal Services Corporation, the Council on Aging, the Community Services Administration and CETA. It's also supported by attorney fees awarded by courts and private donations.)

Reynoso, CRLA director from 1968 to 1972, says that Rea-

Kerry Drager wrote "Silver anniversary of the Brown Act" in the January 1979 Journal.

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gan was "only one of many" persons with whom CRLA had problems. "It was a series — with Governor Reagan being the most prominent one — of folk opposed to the work we were doing.

"For example, Senator Murphy wanted to prevent legal services programs — and by that he meant CRLA — from bringing action against government. He thought we were bringing California agriculture down on its knees which, of course, was not true. We were caught between Governor Reagan, who believed we were attacking the farmers, on the one hand and the welfare departments on the other. They considered us meddlers in governmental affairs, which again was not true. What we were doing was representing our clients."

The days when CRLA was the "new kid on the block" have passed. Reynoso sees a maturity, or "growing up," on the part of legal services programs — as well as acceptance by state officialdom.

"My impression is that with the CRLA today, and with some of the other legal services programs, the fervor of a good battle is not quite as great," Reynoso notes. "The CRLA does not have now the social and political enemies that it had when I was director and which kept one's enthusiasm and one's adrenalin flowing."

The Brown wave

The early days of the Brown Administration began a trend toward appointees with backgrounds in legal services. Sacramento had never been invaded by a group like that assembled by Brown in 1975. The first few waves of appointees consisted heavily of lawyers with credentials from legal services programs, including CRLA, the American Civil Liberties Union and public defenders' offices.

"This country has learned to accept legal services as something that's worthwhile for our nation," Reynoso says. "Governor Reagan, if he were running again, would not react the same way. Furthermore — and perhaps more importantly those political allies who urged upon Reagan that reaction also would not react the same way today."

Not long ago, Reynoso recalls, Assemblyman Gordon Duffy told him about a farmer who had been angry at CRLA for bringing action against his farm for failing to provide farm workers with clean water, clean drinking containers and chemical toilets. The farmer thought he was being harassed.

"Now," Reynoso says, "the farmer, upon reflection, couldn't understand how he could have felt harassed when all he was asked to do was follow the law and provide for his workers the basic necessities . . . It was a very minimal request, and a proper one.

"I think," Reynoso adds, "as with the civil rights movement, there has been a certain growing up that's happened to everybody, including the folk CRLA had sued in the past. I don't think the same sort of political pressures would develop today under a Ronald Reagan, or even under a George Murphy."

Glick, CRLA director from 1972 to 1974, agrees: "The concept of legal services to provide access to the system of justice in this country is now sufficiently well-rooted. I don't think an effort to end it would be successful in any way. The kind of problems we had in the early days — of somebody saying, 'How come they (CRLA) are entitled to bring these cases to court about how I'm not obeying the law?' — is just not with us anymore."

Glick — who succeeded Jim Lorenz, CRLA's first director, as EDD head in mid-1975 — finds himself confronting some of the same issues that he did at CRLA. But he feels better equipped to deal with those problems because of his CRLA background.

"At EDD, we're no longer advocates for just one group," Glick points out. "We have to protect the entire public. We have about 60 people whose sole job is to help reach migrant and seasonal farm workers; to tell them their rights, to help them find jobs, and (to assist them in) moving out of farm work into other jobs, if they want to do that. We've hired bilingual counselors who hadn't existed at EDD before. So many of those kinds of things we might not have recognized if we didn't have the CRLA experience."

Advocating for many

Ironically, the department that Glick now heads was once the focus of a lawsuit by CRLA for inadequate attention and services to farm workers. "But you be careful how you talk about trouble (with the EDD)," Glick says. "CRLA represented the interests of farm workers — we were their lawyers. It was our job in all walks of life to try and get for them everything we could, consistent within our principles and the law. And that meant we wanted special attention for them — from the employment department, from the education establishment.

"On the other side now, I've got the responsibility of not only protecting the interests of farm workers, but senior citizens and women who find themselves at 35 with a divorce or death in the family and haven't worked in 20 years — and (helping them) get access to the labor force. We're trying to deliver resources in a fair way to all of the employers in the state and to the workers.

"You become a different kind of advocate. There (at CRLA) you're advocating for one group; here we're advocating for many."

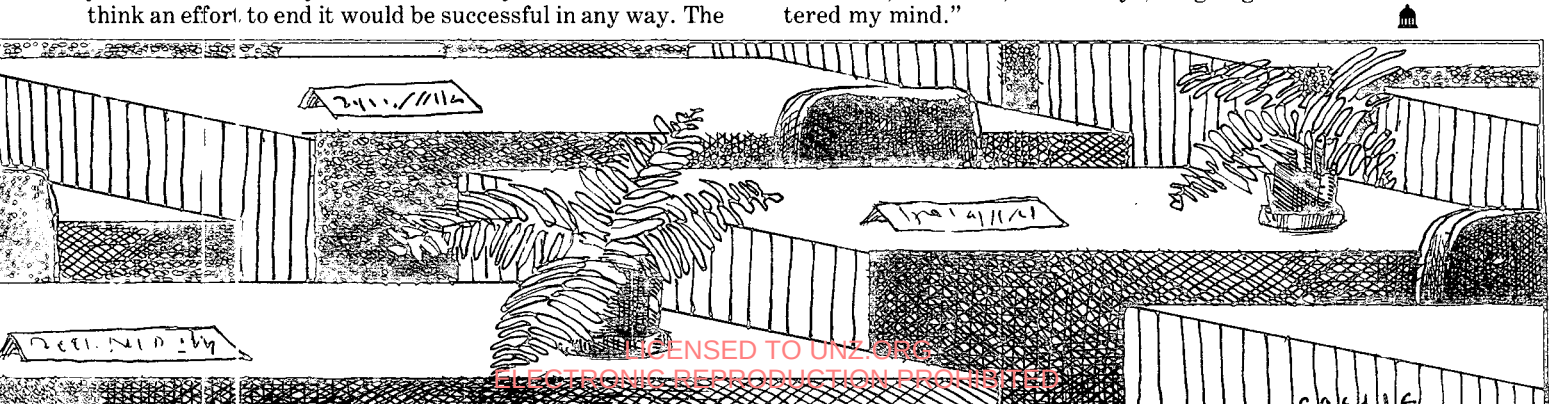
Both Glick and Reynoso are somewhat surprised with their present positions when, just a few years before, they were performing work that was hardly considered the "in" thing to do.

"Most of us thought," Glick says, "that when you took strong advocacy positions on behalf of a group which was not very politically connected — the farm workers — that it was certainly not some kind of stepping stone to anywhere in politics. We were doing it because the CRLA was representing a group we felt strongly needed representation."

Reynoso says, "I'm glad to see that now — some years later — part of our background is viewed favorably by appointing authorities . . . Actually, I expected to go back to private practice after I left CRLA and did not expect to be in a high appointive office."

And did it ever occur to Marty Glick that he might later become director of EDD which, as Reynoso says, was "fighting CRLA day in and day out?"

"Never, no never," Glick says, laughing. "It never entered my mind."



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Back to the affairs of state

With the federal constitutional convention issue dead in the Legislature, Governor Jerry Brown last month once again directed his attention to the fiscal affairs of the state of California. The Governor presented his administration's plan for the long-range support of local government in a Proposition 13 world. Key provisions of the legislation, authored by Democrat John Holmdahl, chairman of the Senate Revenue and Taxation Committee:

- **The six-cent state sales tax** would be reduced 2½ cents, and that taxing authority would be shifted to local government. County supervisors would be required to levy one cent for health and welfare programs; the remaining 1½ cents could be used by cities and special districts under a formula that has not yet been devised.
- **In addition,** cities could levy an additional 1/4-cent sales tax through a vote of the people in each community.
- **Counties would no longer** collect property-tax revenues. These would be transferred to school districts, and allocations would be made in such a way so that the state would more nearly meet the demands of the *Serrano* school-finance decision of the state Supreme Court.
- **The state would take over** welfare programs for the aged, blind and disabled.

It is estimated that the entire package involves a shift of $4.5 billion from the state to local government. The Governor emphasized that the proposal is highly negotiable and is a starting point for legislative deliberations on a permanent Proposition 13 solution for local government.

While Brown was working on the long-range problem, the Legislature passed a $35.7 million emergency appropriation designed to keep some special districts from going out of business. Some legislators sought an allocation of $150 million, and the Brown Administration said only $25 million was needed. Before signing the bill into law, Brown sliced $5.7 billion from the measure. The $30 million will be distributed by counties to cemetery, flood control, library, mosquito abatement, and park and recreation districts that sought aid and that formerly relied heavily on the property tax.

In other legislative activity, a proposed state constitutional amendment designed to halt mandatory busing in Los Angeles cleared both the Senate and Assembly. The key question was whether a special election would be called this summer for a vote on the measure or whether it would go before the public in June of 1980.

As acting governor, Lieutenant Governor Mike Curb signed into law an emergency bill exempting retailers from paying the anti-litter tax passed in 1977. The levy will still apply to wholesalers and manufacturers.

Senate (25D, 14R)	SB 31	SB 99	SB 276	SB 373	SB 184		SB 31	SB 99	SB 276	SB 373	SB 184		SB 31	SB 99	SB 276	SB 373	SB 184		SB 31	SB 99	SB 276	SB 373	SB 184
Alquist (D)	Y	Y	Y	Y	Y	Garamendi (D)	Y	N	Y	Y	*	Nejedly (R)	Y	Y	N	Y	Y	Russell (R)	Y	*	N	Y	Y
Ayala (D)	*	*	*	Y	*	Garcia, A. (D)	Y	Y	Y	Y	*	Nielsen (R)	Y	*	Y	Y	Y	Schmitz (R)	Y	N	N	Y	N
Beverly (R)	Y	Y	Y	Y	Y	Garcia, M. (R)	Y	N	N	Y	Y	Nimmo (R)	Y	Y	Y	*	Y	Sieroty (D)	Y	Y	Y	Y	Y
Briggs (R)	Y	N	N	Y	Y	Greene (D)	*	*	Y	Y	Y	Petris (D)	Y	Y	Y	*	*	Smith (D)	Y	*	N	Y	Y
Campbell (R)	Y	*	*	Y	Y	Holmdahl (D)	Y	*	Y	*	Y	Presley (D)	Y	Y	Y	Y	Y	Stiern (D)	Y	Y	N	Y	N
Carpenter (D)	Y	Y	Y	Y	Y	Johnson (R)	Y	Y	Y	Y	Y	Rains (D)	Y	N	Y	N	Y	Vuich (D)	Y	Y	Y	Y	N
Craven (R)	Y	Y	Y	Y	Y	Keene (D)	Y	Y	Y	Y	Y	Richardson (R)	Y	N	N	Y	N	Watson (D)	*	Y	Y	Y	Y
Cusanovich (R)	Y	Y	Y	Y	Y	Marks (R)	N	Y	Y	*	Y	Robbins (D)	Y	*	Y	Y	Y	Wilson (D)	Y	*	N	Y	Y
Dills (D)	Y	Y	Y	*	N	Mills (D)	Y	Y	Y	*	Y	Roberti (D)	Y	Y	Y	Y	Y	Zenovich (D)	Y	Y	Y	Y	Y
Foran (D)	Y	Y	Y	Y	Y	Montoya (D)	*	*	*	Y	Y	Rodda (D)	Y	Y	Y	Y	Y						

Senate

FINANCE

SB 31 (Nejedly) — Appropriates $36 million in assistance for special districts during the current fiscal year. Conference report adopted, 34 - 1.

SB 99 (Zenovich) — Allows irrigation and reclamation districts to levy an annual minimum assessment of $10 for every parcel of land. Passed, 23 - 6.

SB 276 (Alquist) — Repeals prohibition against local government spending capital-outlay funds for other purposes without voter approval. Passed, 27 - 9.

SB 373 (Nejedly) — Repeals, in part, tax levied on businesses to finance litter-control and solid-waste recycling programs. (The tax was lifted on retailers, retained for wholesalers and manufacturers.) Passed, 32-1.

MISCELLANEOUS

SB 184 (Presley) — Legalizes use of marijuana for treatment of cancer and glaucoma. Passed, 30 - 5.

Assembly

FEDERAL BUDGET

AJR1 (Stirling) — Asks Congress to call a constitutional convention to consider an amendment requiring a balanced federal budget. Motion to withdraw measure from committee failed, 31 - 44.

AJR 17 (Bane) — Asks Congress to propose an amendment to the United States Constitution requiring a balanced budget. Passed, 69 - 6.

FINANCE

SB 31 (Nejedly) — Appropriates $36 million in the current fiscal year to assist special districts. Conference committee report adopted, 75 - 2.

SB 373 (Nejedly) — Repeals litter tax on retailers. Passed, 68 - 9.

MISCELLANEOUS

AB 70 (Lockyer) — Imposes 100 percent tax on some payments from the Legislators' Retirement System to prevent windfall benefits. Passed, 42 - 28.

AB 119 (Fenton) — Authorizes state occupational-safety officials to obtain warrants for the inspection of a business if permission to inspect a place of employment is denied. Passed, 56 - 18.

AB 224(Berman) — Prohibits housing discrimination against students. Passed, 41 - 37.

AB 300 (Mountjoy) — Prohibits state from submitting a statewide smog-control plan to the federal government without legislative approval. Motion to withdraw bill from committee failed, 29 - 41.

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VOTING RECORDS

Listed here are the votes of legislators on recent major roll calls through mid-March. Votes selected involve issues of major importance and issues on which there was a major division of opinion, or both.

Y - Yes **N - No**
*** — Absent or not voting**

A ⅔ vote is required for urgency measures, constitutional amendments, and appropriations.

Assembly: 41 votes required for passage of bills needing a simple majority. (⅔ = 54 votes)

Senate: 21 votes required for passage of bills needing a simple majority. (⅔ = 27 votes)

Roster additions and corrections

The district office address and telephone number for Senator Joseph Montoya are 3617 Monterey Ave., El Monte 91731; (213) 443-6125.

The district office address for Assemblyman Ross Johnson is 1501 N. Harbor Blvd., Suite 201, Fullerton 92635.

Richard Nevins is the vice-chairman of the state Board of Equalization.

Harry Gluck is chairman of the state Public Employment Relations Board.

The middle name of Virginia Days, director of veterans affairs, is Mae, not May.

The district-office telephone number for Senator Barry Keene is (415) 472-7540.

The correct district-office telephone number for Assemblyman Dick Mountjoy is (213) 446-3134.

Assembly (50D, 30R)	AJR 1 AJR 17 SB 31 SB 373	AB 70 AB 119 AB 224 AB 300		AJR 1 AJR 17 SB 31 SB 373	AB 70 AB 119 AB 224 AB 300
Agnos (D)	NYYY	YYYN	Kelley (R)	YYYY	NNNY
Alatorre (D)	NYYY	NYYN	Knox (D)	NYYY	NYYN
Bane (D)	*YYY	*YYN	Lancaster (R)	YYYY	NNNY
Bannai (R)	YYYY	NYNY	Lehman (D)	NYYY	YYY*
Bates (D)	N*YY	YYYN	Leonard (R)	YNYN	YNNY
Bergeson (R)	YYYY	NNNY	Levine (D)	NYYY	NYY*
Berman (D)	NYYY	NYYN	Lockyer (D)	NYYY	YYYN
Boatwright (D)	NYYY	YY*N	Mangers (D)	YYYY	YYNY
Bosco (D)	NYYY	NYYN	McAlister (D)	*YYY	YYNY
Brown, D. (R)	YYYY	YNNY	McCarthy (D)	NYYY	YYY*
Brown, W. (D)	NNYY	NYYN	McVittie (D)	NYYY	NYN*
Calvo (D)	NYYY	YYYN	Mello (D)	NYYY	YYYN
Chacon (D)	NYYY	*YYN	Moore (D)	N*YY	N*YN
Chappie (R)	YYYY	YNNY	Moorhead (R)	YYYY	YYNY
Cline (R)	YYYY	YNNY	Mori (D)	NYYY	YYYN
Costa (D)	NYYY	YYYN	Mountjoy (R)	YYYN	N*NY
Deddeh (D)	NYYY	NYNN	Naylor (R)	YYYY	NNNY
Duffy (R)	YYYY	YNNY	Nestande (R)	YNNN	NNNY
Egeland (D)	NYYY	YYYN	Nolan (R)	YYYY	Y*NY
Elder (D)	NYYY	YYNN	Papan (D)	NYYY	NYYN
Ellis (R)	YYYN	N*NY	Perino (D)	NYY*	YYNY
Felando (R)	YYYY	YNNY	Priolo (R)	YYYN	NNN*
Fenton (D)	NYYY	*YYN	Robinson (D)	NYNY	*YNN
Filante (R)	YYYY	YNNY	Rogers (R)	YYY*	*NNY
Frazee (R)	YYYY	NNNY	Roos (D)	NYYY	NYY*
Gage (D)	NYYY	YYYN	Rosenthal (D)	NNYY	NYYN
Goggin (D)	NYYY	NYYN	Ryan (R)	*YYN	*YN*
Greene (D)	N*YY	*YNN	Statham (R)	YYYN	YYNY
Hallett (R)	YYYY	YYNY	Stirling (R)	YYYY	NYNY
Hannigan (D)	NYYY	YYYN	Tanner (D)	NYYY	NYYN
Harris (D)	NNYY	NYYN	Thurman (D)	YYYY	YYYN
Hart (D)	*Y*Y	YYYN	Torres (D)	****	**Y*
Hayden (R)	YYYY	YYNN	Tucker (D)	NN*Y	NYYN
Hayes (R)	YYYY	YNNY	Vasconcellos (D)	NYYY	YYYN
Hughes (D)	N*YY	NYYN	Vicencia (D)	NYYY	*YYN
Imbrecht (R)	YYYY	YYY*	Waters, M. (D)	NYYY	*YYN
Ingalls (D)	NYYY	YY*N	Waters, N. (D)	NYYY	YYYN
Ivers (R)	YYYN	YNNY	Wray (D)	NYYY	YYY*
Johnson (R)	YYYY	Y*NY	Wyman (R)	YYYN	YNNY
Kapiloff (D)	NYYY	YYYN	Young (D)	NYYY	YYYN

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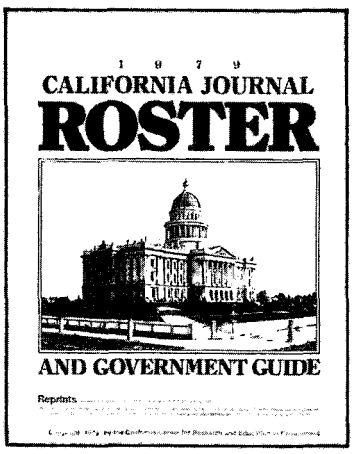

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CHARTING THE LEGISLATURE

The following is a list of significant bills pending before the Legislature on March 21st:

SUBJECT	BILLS	DESCRIPTION	STATUS
AGRICULTURE LABOR RELATIONS	AB 836-840 (Mori) AB 470 (Duffy) SB 238 (Johnson) SB 504 (Nimmo) SB 577/584 (Vuich)	Would revise the Agricultural Labor Relations Act with respect to unfair labor practices, elections, labor organization representation, and employee/ employer remedies.	*Senate measures are pending in the Senate Industrial Relations Committee. Assembly bills are in the Assembly Labor, Employment and Consumer Affairs Committee.*
BUSING	SCA 2 (Robbins) AB 5, 41, ACA 6, 7 (Cline)	All measures either prohibit or severely restrict compulsory school busing.	*SCA 2 is on the Assembly floor. All other measures were defeated by the Assembly Judiciary Committee.*
COURTS	AB 244 (Hart)	Repeals the automatic 5 percent annual cost-of-living salary increase for judges.	*Assembly Judiciary Committee.*
	AB 332 (Mountjoy)	Provides for state assumption of most of the costs borne by local governments for the operation of municipal, superior and justice courts.	*Assembly Judiciary Committee.*
	ACA 23 (Nestande) SCA 10 (Holmdahl)	Constitutional amendments requiring Senate confirmation of the governor's appointments to appellate courts.	*ACA 23 was defeated by the Assembly Judiciary Committee. SCA 10 is pending in Assembly Judiciary Committee.*
	SB 297, SCA 14, SB 484, SCA 18 (Beverly)	Authorize courts to use less than 12-member juries in certain civil and criminal trials.	*Senate Judiciary Committee.*
CRIMINAL JUSTICE	SB 450 (Nielsen) SCA 17 (Presley) ACA 26 (McAlister)	Would grant to the prosecution the same pre-trial discovery rights and the right to a speedy trial now granted to the defense; requires consideration of public safety factors in the granting of bail; limits state Supreme Court's use of the "independent state grounds doctrine" in criminal appeals.	*Senate measures are in the Senate Judiciary Committee. ACA 26 is in the Assembly Criminal Justice Committee.*
GOVERNMENT SPENDING	SJR 1 (Smith) AJR 1 (Stirling) AJR 2 (Boatwright) AJR 17 (Bane)	SJR 1, AJR 1 and AJR 2 ask Congress to call a constitutional convention to propose an amendment to the U.S. Constitution requiring a balanced federal budget.	*SJR 1, AJR 1, and AJR 2 were defeated by the Assembly Ways and Means Committee. AJR 17 is in the Senate Rules Committee.*
LOCAL GOVERNMENT FUNDING	SB 186 (Rodda) SB 550 (Holmdahl)	Both provide for state assumption of all county costs of the Medi-Cal, AFDC, and SSI/SSP programs for the 1979-80 fiscal year. SB 186 appropriates $267.5 million to cities, $466.5 million to counties, $200 million to special districts, and $4.473 billion to school districts. SB 550, which is the Governor's proposal, appropriates $250 million to cities, $1.6 billion to counties, $200 million to special districts, and $4.7 billion to schools.	*Both measures are in the Senate Finance Committee.*
RAPE	SB 500 (Robbins) AB 546 (Mori)	SB 500 is an omnibus measure revising laws relating to evidence, great bodily injury, and the psychiatric examination of rape victims. AB 546 redefines rape to include spouses as victims.	*SB 500 is in the Senate Judiciary Committee. AB 546 is in the Assembly Criminal Justice Committee.*
SCHOOL FINANCE	AB 8 (Greene)	Major school finance proposal providing $700 million in state funding for public schools, including community colleges.	*Assembly Education Committee.*
	SB 234 (Dills)	Major school-finance proposal providing for state assumption of the full costs of certain educational programs.	*Senate Finance Committee.*

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Perspective from WASHINGTON

By Leo Rennert

Ronald Eisenhower

Ronald Reagan is following a new script in his third try for the White House. The former California governor has discarded the role of insurgent who's battering at the gates of the establishment. He also has abandoned the part of the true-blue conservative intent on maintaining ideological purity in the Republican Party. Instead, the "new" Reagan is casting himself as a political leader who has risen above petty, factional battles and who finally can claim a broad coalition of support. Reagan strategists no longer feel they have to rock the boat; this time, they believe their man may be able to coast along as a "mainstream" candidate who's perfectly in tune with the times. The old outsider is dead; long live the new insider.

NEVADA SENATOR PAUL LAXALT unveiled the new look when he announced formation of the Reagan for President Committee and promptly trotted out many supporters who had worked or campaigned for Gerald Ford. "Ours is not a fringe-type candidacy," said Laxalt, who again will be Reagan's national chairman. The main effort in the next few months, he said, will be to "expand" Reagan's base of support beyond that of any candidate in either party. Having tied down the right, the big push is on to capture the center.

To underscore the new theme, Laxalt told a Capitol Hill news conference: "Not since General Eisenhower's first election almost 30 years ago has there been such a perfect 'fit' between the man and the public mood as there is today with Governor Reagan and the American people." The icon of the Reaganites is no longer Robert Taft or Barry Goldwater, but the soothing figure of Eisenhower. The old battles are over, Laxalt suggested, and Reagan will be able to sweep all opposition aside because he has solid support "everywhere." In the course of a seven-page statement on the Reagan candidacy, Laxalt didn't use the term "conservative" once.

That's quite a change from four years ago, when Reagan was conducting a furious assault on President Ford and moderates in the party. The theme then was that the GOP had to stand on clear principles and formulate policies in bold colors, not dull pastels. Now, Reagan's campaign managers are trying to figure out how to keep him out of the fray for most of 1979 so that he won't have to address too many specific issues. It's his turn to be the front-runner who has to be careful not to get into the ring with eager challengers at this early stage.

From a practical standpoint, Reagan's middle-of-the-road strategy has considerable merit. He's no longer challenging a president of his own party and he already has proved that he has a loyal constituency on the right. Moreover, Ford's decision not to be an active contender for the nomination has given Reagan plenty of room to maneuver toward the center. Reagan lieutenants argue that he hasn't changed his political or ideological spots, that it's the country that has come around to his view of restraining government at home and showing more American strength abroad.

Still, there are signs of disagreement within Reagan's top command about how far to push the "mainstream" strategy. Its chief exponent is John Sears, who ran Reagan's 1976 campaign and again has emerged as the top field general for 1980. Sears alienated many conservatives at the last convention when Reagan, in a futile last-ditch maneuver, tried to play coalition politics with the Eastern establishment and tapped Pennsylvania Senator Richard Schweiker as his choice for running mate. What turned out to be a desperate ploy in 1976 is now the operative concept of Reagan's 1980 campaign. Gone is the old Southern strategy. Sears instead is talking about making a strong effort to correct "misperceptions" about Reagan in the Northeast, the old citadel of GOP liberals. As a pragmatist, Sears thinks Reagan can capitalize on President Carter's special vulnerability in that region. He also foresees a Democratic bloodbath in 1980 and a golden opportunity for a major GOP comeback if the party can stay reasonably united and emerge with a candidate who's comforting in these troubled times. That's why he's resurrecting the 1952 Eisenhower recipe.

Others in the Reagan entourage are said to be less enthusiastic about moving toward the broad center of the political spectrum. To them, the Sears battle plan poses potentially serious risks. How long will it be before old conservative Reagan backers start grumbling that they don't like being taken for granted and seeing their hero play footsie with the moderate wing? Aside from possible defections on the right, there may be an even more serious problem if the new packaging of Reagan as a revered father figure ends up boring the voters. The script may say Eisenhower but the result could be Dewey. Presidential primaries have come to demand a special excitement from candidates. The battlegrounds are littered with bones of cautious, careful and even quite capable political figures who failed to ignite that essential spark of interest and fervor in the electorate. In Reagan's case, this would be doubly ironic. As an actor and politician who's been one of the best practioners of the age in turning on a crowd, he might fade out of the picture because he finally lost the audience.

REAGAN IS 68 and his managers, in drawing up 1980 blueprints, seem to be arranging more of a royal procession than a political campaign. It remains to be seen whether he can have it both ways — to tower well above the battle and still keep the juices flowing among the troops.

At this point, the Reagan high-command isn't too concerned that he might not be able to pull it off. Except when you mention Jerry Brown.

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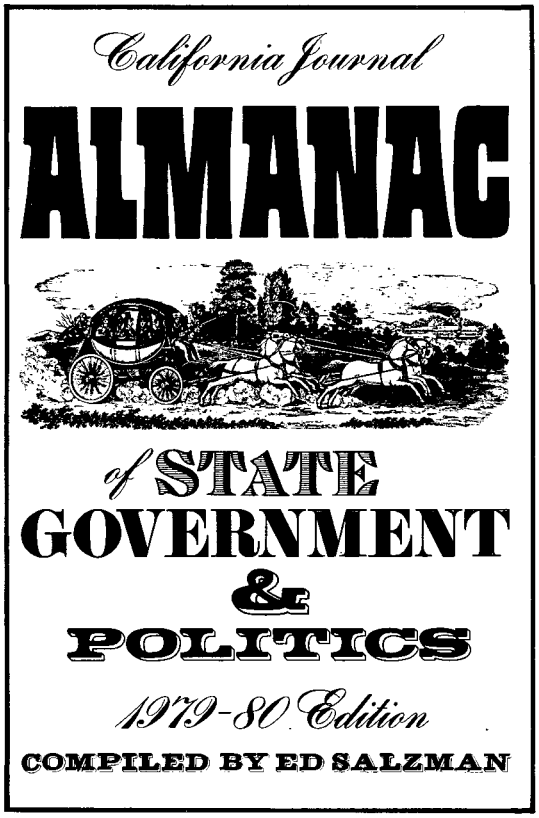

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The trouble with government regulation . . . is that it prohibits capitalistic acts between consenting adults.

— Robert Nozick

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